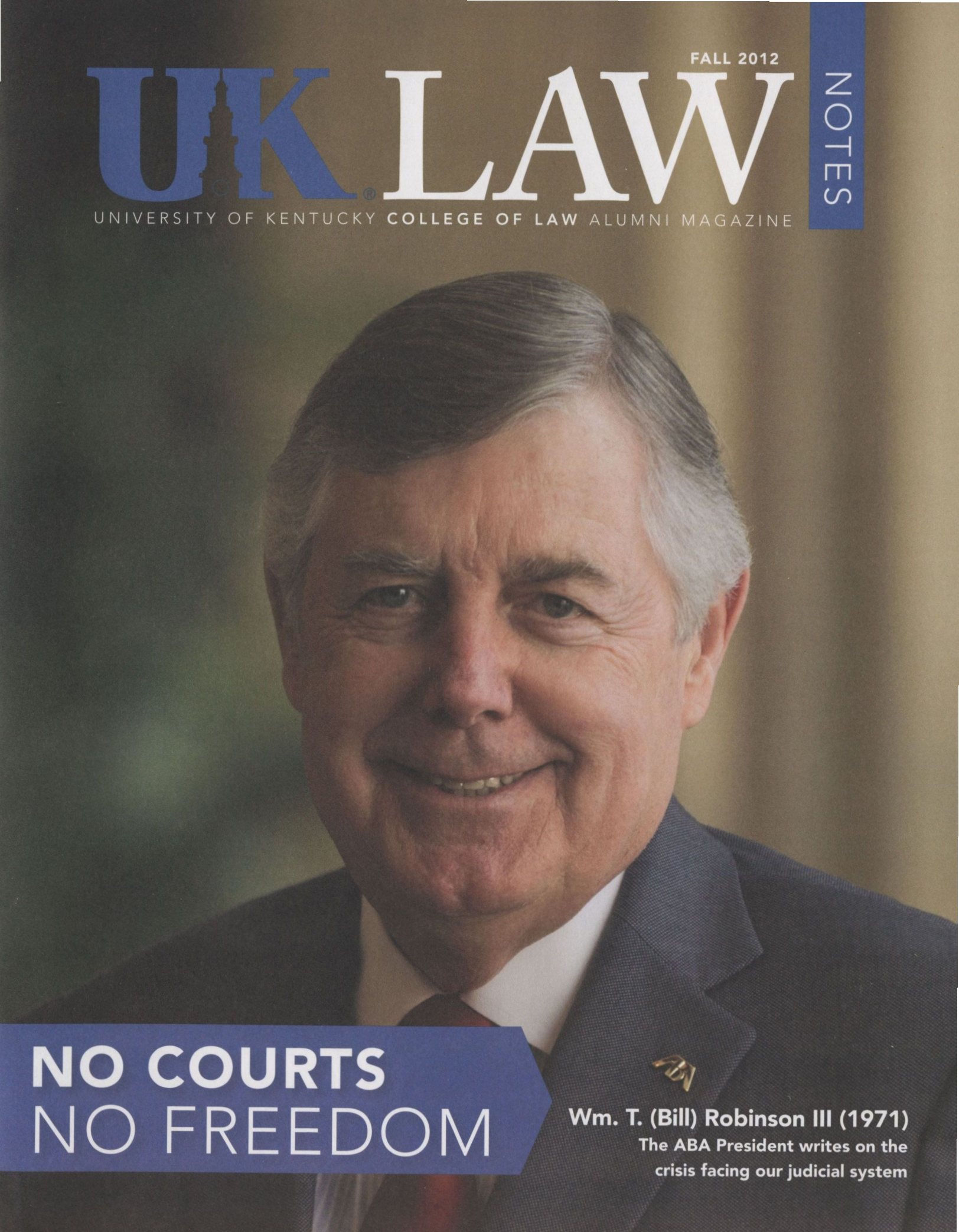
FALL 2012

UK LAW NOTES

UNIVERSITY OF KENTUCKY COLLEGE OF LAW ALUMNI MAGAZINE



NO COURTS NO FREEDOM

Wm. T. (Bill) Robinson III (1971)

The ABA President writes on the crisis facing our judicial system

law notes

Dean
David A. Brennen

Communications Director and Editor
Amanda K. DeBord

Contributing Writers
Melissa Henke
Wm. T. (Bill) Robinson III
Rebekah M. Tilley

Design
Serif Group

Photography
April Brooks
Abby Laub
Shaun Ring
Lee P. Thomas Photography

Printing
Wendling Printing

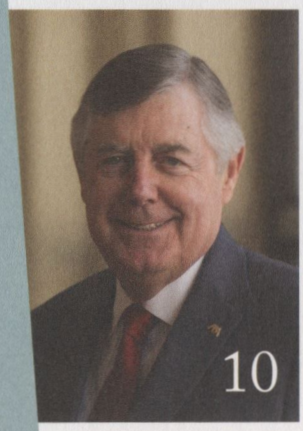
About this issue
Law Notes is published annually for the alumni, students, faculty and friends of the University of Kentucky College of Law

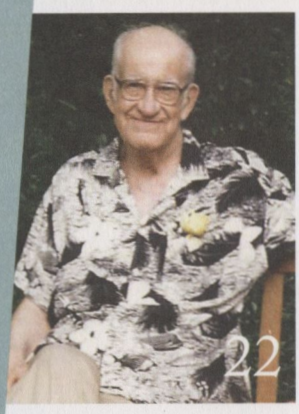
All correspondence should be directed to:
Law Notes
UK College of Law
209 Law Building
Lexington, KY 40506-0048

Statement of non-discrimination
The University of Kentucky is committed to a policy of providing educational opportunities to all academically qualified students regardless of economic or social status and will not discriminate on the basis of race, color, ethnic origin, national origin, creed, religion, political belief, sex, sexual orientation, marital status, age, veteran status, or physical or mental disability.

The University of Kentucky College of Law is a member of the Association of American Law Schools and is approved by the American Bar Association.

© The University of Kentucky
All rights reserved





FEATURES

7 Letter from London

8 Passages

10 Court Funding
Wm. T. (Bill) Robinson III writes on the crisis facing our judicial system

13 Justice Clarence Thomas
Visits UK College of Law

16 Welcome New Faculty
Brian L. Frye, Diana Kraft, Kristin J. Hazelwood, and Maria Gall

20 Retiring Professors

22 The Oberst Letters

32 Alumni Hall of Fame

30 The First Years

36 Honor Roll of Donors

DEPARTMENTS

17 Faculty Notes

26 Class Notes

42 Closing Argument

Message From the Dean

Greetings from the Bluegrass! What an exciting year this has been in the life of UK Law. After watching the 103rd graduating class receive diplomas this past May, I began to think about the many remarkable achievements of our UK Law family over the years. We routinely have a significant percentage of our community assume positions of great leadership throughout the Commonwealth; many governors, state Supreme Court justices, U.S. congressional representatives and other leaders hail from these halls. UK Law has often been described as "the leadership academy" for Kentucky. It's easy to see why. This year has been one in which we continued in this great tradition of educating and nurturing future leaders by further strengthening commitments to impactful research, dedicated community service and the education of competent ethical lawyers and business professionals.

We kicked off the academic year by honoring the only UK Law graduate to become President of the American Bar Association—Wm. T. (Bill) Robinson III (1971). In recognition of Bill's ABA Presidency, we co-hosted, with the National Center for State Courts, the American Bar Association and LexisNexis, a *Kentucky Law Journal* Symposium that brought national attention to the legal implications of massive underfunding of state court systems across the country. With attendees from more than two dozen states plus Washington, D.C. and the Virgin Islands, the event was a resounding success. You should look for articles from the symposium in the 100th volume of the *Kentucky Law Journal*.

We also hosted several leaders in the law as distinguished lecturers and visitors. One of our two Ray lecturers this year, Justice Clarence Thomas of the U.S. Supreme Court, spoke quite compellingly about his two decades on the Court and answered some often pointed questions—such as why he never asks questions of lawyers at oral argument. The second Ray lecturer, Robert Post, in addition to being Dean at Yale Law School, is a premier legal expert on academic freedom. He gave a very insightful lecture to the University community about what academic freedom really means in modern academia. The Lassiter Distinguished Visiting Professor, Nina Crimm, hosted a conference on the law and disaster relief, bringing in internationally known experts from federal government, military and religious perspectives.

In addition to exposing the Commonwealth's future leaders to these renowned speakers and legal thinkers, UK Law continues to work diligently at ensuring that the institution has the very best environment in which to learn the law. Our permanent faculty are working hard to build our growing national academic reputation by advancing stellar research agendas while also teaching our students the intricacies of the law. For example, Professor Steve Clowney spoke by invitation at the Property Law Professors Conference at Fordham University; Professor Nicole Huberfeld presented several papers at national conferences on health care law reform; Professor Melynda Price hosted a university-wide conference for African American Studies; and Professor Scott Bauries travelled to South Africa to meet with legal experts there about constitutional law principles.

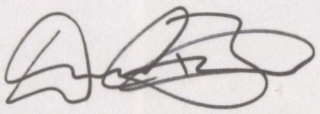
We are bringing on board three new permanent faculty members: Brian Frye will be teaching, among other things, Civil Procedure, Intellectual Property, and Nonprofit Law, and Kristin Hazelwood and Diane Kraft will join us as we round out our complement of full-time legal writing faculty. We will also be hosting three visiting professors this year: Maria Gall (2006) will be our new Visiting Assistant Professor,

taking the place of Kent Barnett (2005), who accepted a faculty position at the University of Georgia School of Law; Beverly I. Moran of Vanderbilt Law School will be our 2012 Lassiter Distinguished Visiting Professor and will organize a conference on "Lawyering in the Public Interest;" and finally, William Wiecek, a former Lassiter Distinguished Visiting Professor, plans to teach for us again in the spring. As we welcome these new members of our faculty, it is with mixed emotions that we look toward the retirement of Professors Bill Fortune and Steve Vasek. Fortune and Vasek, who have both been at the College since 1969, have been an undeniable part of the experience of thousands of our alumni. I know you will join me in wishing them the very best.

One other way in which we encourage leadership is by supporting our students' efforts to learn outside of the classroom. On Election Day in November 2011, UK Law personnel oversaw eleven student volunteers in the first UK Law Election Protection Project, which involved staffing a hotline to respond to Election Day calls from voters and others about various voting–related issues. During Spring Break 2012 we sent a group of five students to Eastern Kentucky to do pro bono work assisting attorneys who represent individuals with property, environmental and other damage claims against industry. Finally, twenty UK law and business students volunteered to work with the Volunteer Income Tax Assistance Program to prepare hundreds of tax returns for the poor. In addition to these service activities, our students continued to excel at moot court and trial team competitions, winning best advocate at two national moot court competitions and reaching the finals at two mock trial competitions. Through these experiences, it is our hope that our students learn first-hand what law is really like while also developing a positive work ethic.

I hope you enjoy this issue of *Law Notes*. Our students, faculty and alumni are doing great things in their communities, and I look forward to seeing all that the next year will bring us.

Sincerely,



David A. Brennen
Dean

In Brief

Law Students Organize Fundraiser for Tornado Victims

On March 2 a tornado outbreak devastated a number of Kentucky communities. Though threatened, the Lexington area remained largely unscathed. Towns like West Liberty and Frenchburg were not so fortunate. After learning of the extent of the damage, UK Law students Ashley Adkins, Megan Hughes and Tiffany Fannin organized a fundraiser to collect donations for victims. College of Law faculty, staff and students enjoyed homemade red beans and rice, cornbread, and cupcakes, with all proceeds going to the Red Cross. Donations included $400 cash and countless bags and boxes of clothes, canned goods and cleaning supplies to go to the affected communities. "We are so proud of our students," Dean Brennen said of the event. "They've taken the initiative to reach out and help our neighbors in their time of need."

DONATIONS COLLECTED BY UK LAW STUDENTS FOR TORNADO VICTIMS

UK LAW STUDENTS VOLUNTEER WITH ELECTION FRAUD HOTLINE

UK Law Professor Joshua A. Douglas and Assistant Dean Danny Murphy led a group of eleven student volunteers in the first UK College of Law Election Protection Project. On November 8, 2011, Kate Anderson, Jocelyn Arlinghaus, Shannon Church, Amanda East, Dallas Hurley, Ben Jenkins, Kate Johns, Hamida Labi, Allison Miller, Patrick Morrison and John Wathen staffed the Kentucky voter hotline, responding to calls from around the state about election-day issues such as malfunctioning voting machines, procedural questions, and voter identification questions.

The students were required to undergo a training program, which was held at the College of Law the previous week. According to the Attorney General's office, the Election Fraud Hotline handled a total of 22 calls from 16 counties during the general election, dealing with 25 complaints. Follow-up from the calls generally involved alerting the local county clerk or board of election of the problem, with the occasional serious matter requiring referral to a special prosecutor.

"It was wonderful to have the students engaged in seeing the real-world application of election issues on Election Day," Professor Douglas said. "I am grateful they had the opportunity to work with the Kentucky Attorney General's Office, and they learned a lot about the operations of an election." The Election Protection Project is part of UK Law's ongoing initiative to expand its pro bono and community service activities.

CRUNCHING THE NUMBERS: UK LAW VOLUNTEER INCOME TAX ASSISTANCE PROGRAM

The numbers are in, and we are proud to see the great impact of the 2012 Volunteer Income Tax Assistance (VITA) Program. VITA provides free income tax preparation and filing to area residents. Approximately 20 students from the UK College of Law and the UK Gatton College of Business and Economics volunteered this year, filing nearly 600 tax returns for over $250,000 in total refunds and saving local taxpayers over $110,000 in preparation fees.

The law students Austin Byars, Clay Duncan, Kayla Finley, Mawerdi Hamid, Patrick Kern, Nelson Rodes, Hamid Sheikh, Keith Tidwell, Joey Verax and Laura Leigh Zimmerman each undertook 3–4 full days of training and worked at least 30 hours at the clinic during the season. They receive no course credit for their work.

"People are always very grateful," says UK Law Professor Doug Michael, who has been leading UK's VITA program for nearly 20 years. "And that's how we get paid, by seeing their gratitude. The process seems easy to law students, but when they see it through the eyes of someone who does not have the same skills or experience in preparing a return, the students see a taxpayer's desperation and realize what an impact they have made when that individual walks away with a substantial refund coming to them."

Bill Farmer, president of United Way of the Bluegrass, expressed his appreciation in a letter, saying, "Thanks to the UK Law School tax site, community members of Lexington have come to rely on the Law School building as a trustworthy location for tax assistance." The United Way estimates the 2012 direct impact of the UK Law Tax Clinic at nearly $400,000.

VITA is a part of the United Way's Central Kentucky Economic Empowerment Project, which this year prepared a combined total of 3,875 tax returns, making this year the best in the program's history.

Moot Court & Trial Teams Shine

ANTHONY PERNICE, WINNER OF BEST ADVOCATE AT THE KENTUCKY MOCK TRIAL TOURNAMENT, WITH JUDGE JULIA ADAMS (1978)

JERRAD HOWARD AND ABBY SHEEHAN WITH THEIR BEST ORAL ADVOCATES AWARD

2011–2012 ADVOCACY WINS:

FIRST PLACE
George Washington Religious Freedom Moot Court Competition

BEST INDIVIDUAL ORAL ADVOCATE
Second Annual Energy and Sustainability Moot Court Competition

BEST INDIVIDUAL ORAL ADVOCATE
Evan A. Evans Constitutional Law Competition

FIRST PLACE
Kentucky Mock Trial Tournament

BEST ADVOCATE
Kentucky Mock Trial Tournament

REGIONAL FINALIST
National Trial Competition Seventh Circuit Regional

BEST ORAL ADVOCATES
Saul Lefkowitz Moot Court Regional Competition

2011 LASSITER DISTINGUISHED VISITING PROFESSOR HOSTS TWO CONFERENCES

Nina J. Crimm, the College's second James and Mary Lassiter Distinguished Visiting Professor, presented two conferences at the law school last fall. The first, "Politics, Taxes and the Pulpit: Provocative First Amendment Conflicts," was a discussion of her recently published book of the same name and featured co-author Laurence H. Winer, the Reverend Nancy Jo Kemper, Dean David A. Brennen, and UK Law professors Joshua A. Douglas and Paul E. Salamanca. The October 12, 2011 conference explored the controversy over whether spiritual leaders acting in their official capacity as representatives of their religious organizations should be able to support or oppose political candidates from the pulpit, or in other public or private forums, without the loss of that organization's federal tax-exempt status.

On November 4, the College of Law held the second Lassiter Distinguished Visiting Professor Conference, "Helping and Hindering Disaster Relief: Laws, Policies, and Politics Impact Aid." Professor Crimm moderated a panel that included William Canny, Director of Emergency Operations for Catholic Relief Services; James P. Cullen, Retired Brigadier General with the U.S. Army JAG Corps; and Greg Elder, Acting Regional Coordinator for Latin America and the Caribbean, United States Agency for International Development. The panel discussed the role of government and humanitarian organizations in providing relief to victims of natural and man-made disasters, and the impact on such aid by financial and human resource capacities, as well as domestic and international laws, policies and infrastructures.

Meet the 2012 Lassiter Distinguished Visiting Professor on page 19.

STUDYING ABROAD AS A LAW STUDENT

One student shares his experience on life in London

For the Spring semester of 2012, I attended the London Law Consortium in London, England. While learning about the Law of the European Union and International Property Law, I was simultaneously learning about the side streets of Bricklane and the best place to find a kebab in Camden Town. While I worked on my journal note I was also working with a barrister in the courtrooms and chambers of the London criminal justice system. Being a man from rural Appalachia, living in one of the largest cities in the world was cause for concern, but I can now say that it was one of the most amazing experiences I have ever had. Nothing else the University offers you will give you such a unique mixture of experiences and opportunity.

Over the course of the semester I got to see the Rosetta Stone, Big Ben, Stonehenge, The Prado, Bruges, Lake Como, The Hagia Sophia, The Blue Mosque, and the Canals of Amsterdam. Within one semester I got in a lifetime of travel. Not only did I get to see wide swaths of continental Europe and the British Isles, I also got to learn about one of the oldest and most storied cities in the world. After class I could walk by the haberdasheries of Saville Row or watch proselytizers in the Speaker's Corner of Hyde Park. I could go see a musical near Piccadilly or explore the British Museum. All of this while taking classes that added a unique perspective to my legal education.

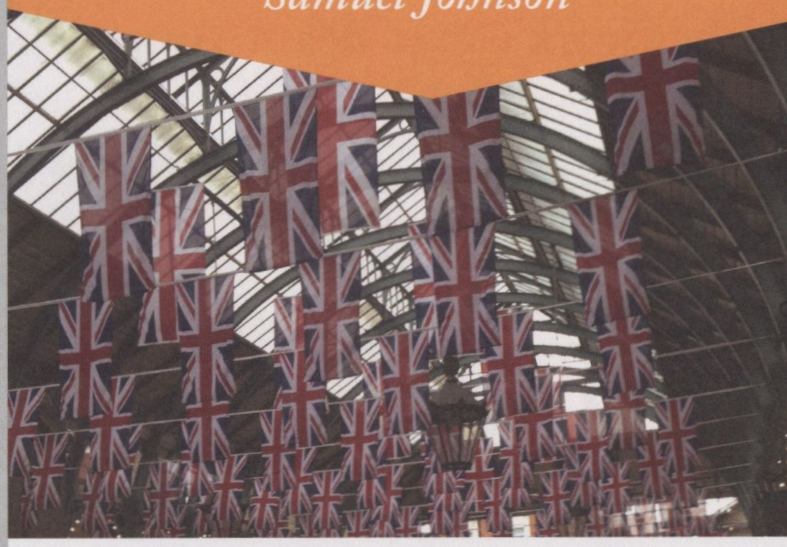
The Consortium is run by the Iowa College of Law and consists of seven other schools. Because the University of Kentucky is a member, credits transfer as if you had taken a class at the University. Extra curricular activities are generously suited to your needs while abroad, with dates being adjusted for time zone and interviews being held over Skype. Classes are small with a personal element that is often missing from a larger law class. Students from non-Consortium schools provide an opportunity to meet people from legal communities from New York to Washington.

Attending the Consortium was one of the best decisions I have made during my educational career, and I hope many future law students will make the same decision.

-Tony Robinette, Class of 2013

When a man is tired of London he is tired of life; for there is in London all that life can afford.

Samuel Johnson



Students Spend Their Spring Break Helping Neighboring Communities

Five UK Law students spent their spring break in Prestonsburg, Ky. doing pro bono work representing individuals in Eastern Kentucky with property, environmental and other damage claims. Second-year student Jocelyn Arlinghaus and first-years Melissa Harp, Tony "Brandon" Miller, James Pennington and Sarah Woods gained valuable first-hand experience responding to discovery requests, interviewing clients and assisting with a trial. Any attorney's fees generated by the students' work and recovered in the lawsuits will be donated to local non-profit legal services organizations. "Words cannot express how wonderfully the law students conducted themselves and how hard they worked," said Ned Pillersdorf, a Prestonsburg attorney who led the students. "On behalf of the low-income folks they have worked with all week, thanks to the College of Law for sending them."

Passages

College of Law students come in...

"In the first year of law school, they scare you to death. In the second, they work you to death. And in the third year, they bore you to death."

130 STUDENTS ENROLLED FALL 2011

33 Undergraduate majors, including political science (30 students), history (13 students), agriculture, and civil engineering. Previous careers include political consultant, financial manager, historic tour guide and restorer of stringed instruments

1971-1989

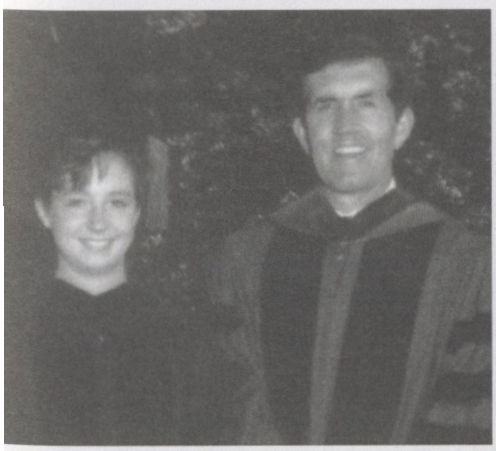
Birth years of the Class of 2014. The oldest student was born during the Nixon administration; the youngest, H.W. Bush

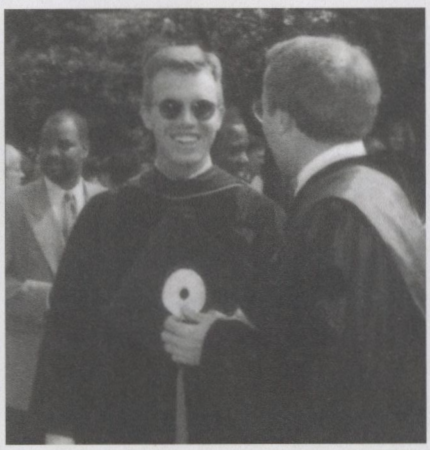
10,595 TOTAL PAGES ASSIGNED TO 1LS FOR THE FIRST DAY'S READING

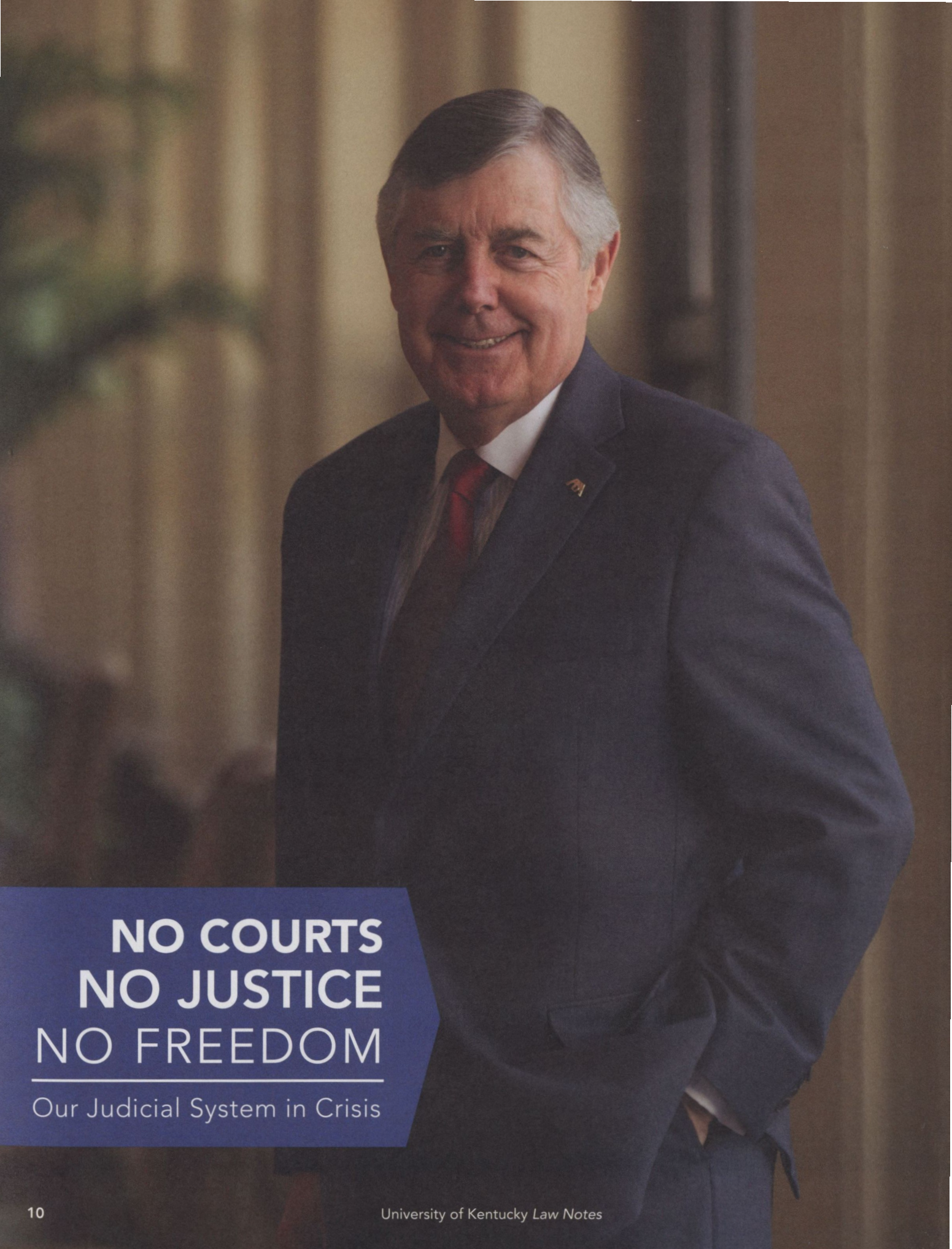
9,000 APPROXIMATE NUMBER OF FIRST-SEMESTER FINAL EXAM PAGES TYPED

...and go out

Words used in Allison Connelly's May 4 address to the Class of 2012.
See the full text of her address at www.law.uky.edu/Graduation2012







NO COURTS NO JUSTICE NO FREEDOM

Our Judicial System in Crisis

By Wm. T. (Bill) Robinson III
President, American Bar Association

Kentucky's Chief Justice said there has been a "hollowing out of the court system." An Oregon court administrator called it "a huge shock wave." And in California, the President of the State Bar described court budget cuts as "unsustainable."

Courts around the country are struggling under the weight of declining funding and increasing caseloads, and the consequences are staggering for the thousands of Americans who seek justice every day in our state judicial systems. They come to court to seek custody of a child or to fight the foreclosure of their home. But they find long lines, court closures, and fewer staff to ensure the meaningful access they deserve and the rights guaranteed them by our federal and state constitutions.

Over the last year as President of the American Bar Association, I have visited with judges, bar leaders, legal aid officers and other members of the profession in more than 60 cities who can attest that this struggle for adequate funding for our courts is widespread and devastating. Forty-two states cut funding for their judiciaries in 2011, and 2012 is shaping up to be equally if not more painful.

Kentucky is closing its courts for three days for the first time since a re-organization of the judicial system in 1976. It is no surprise given that funding for the Kentucky judiciary has dropped 48 percent since 2009, even as it handles approximately one million cases a year.

In California, the cuts are astounding: more than $600 million over the last four years and an additional $550 million if the Governor's latest proposal is approved by the legislature. The state already has "closed" signs on courtrooms and clerks' offices in 24 counties, and many more are expected. Officials there say civil cases could take years to get to trial, and specialty courts that have served so well to get first-time offenders into drug treatment and other programs instead of prisons, are closing. These budget reductions come at a time when filings before the Superior Court alone have risen by 20 percent in the last decade.

Then there are the cases where the law has been changed in the name of saving money. In January of this year, the Maryland Court of Appeals ruled that public defenders must appear on behalf of poor defendants at bail hearings to ensure due process. But the Maryland Legislature did not want to pay the $28 million it would cost to comply with the ruling. So the legislature repealed the law instead.

Yes, state legislatures around the country have to make difficult choices when it comes to paying for schools, roads, parks and other services. But our judiciary is a constitutionally established, co-equal branch of government that serves as the one safe place to resolve disputes peacefully and to ensure that our rights are protected. And while cutbacks in our courts are often rationalized as saving tax dollars, it is impossible to calculate the real cost to the public, to businesses and to society in terms of less and less access to justice.

Courts simply must be open, available and adequately staffed. No one would accept the closing one day a week of the local emergency room, fire house or police station. Our courts are no different—they are our society's emergency room for democracy. And courts deserve our attention and support, especially during these difficult economic times.

A financially sustainable state judicial system can be achieved, but it takes action on many fronts. Courts themselves are working hard to find efficiencies. Pennsylvania, for example, is saving more than $20 million a year by using teleconferences for bail hearings, and many states have implemented electronic filing and payment of fines.

ROBINSON SPEAKS AT THE KEYNOTE ADDRESS

But technology alone is not a panacea. As officers of the court, lawyers have the sacred privilege and responsibility to actively advocate for our judicial system. The sad fact is most Americans do not recognize the role and importance of our courts until they need one. And even more significantly, many of our legislators too often need to be educated about the constitutional importance of the courts as a co-equal branch of government in our historically unique, representative democracy.

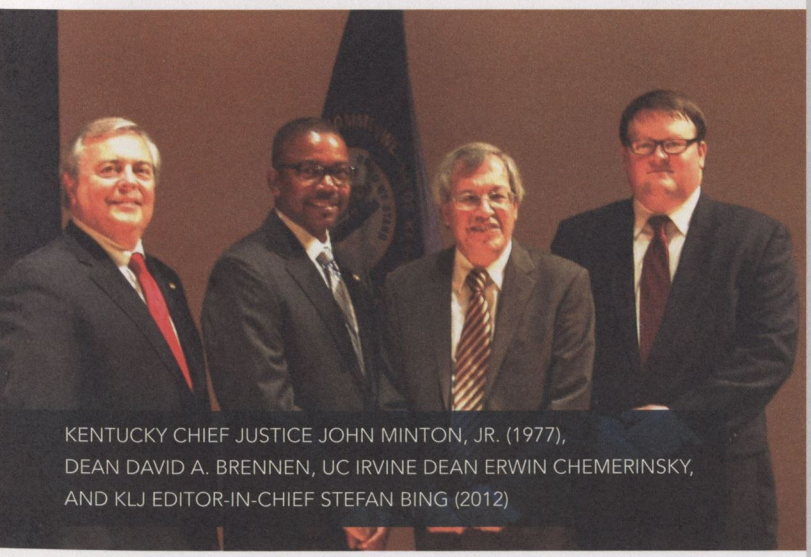
The ABA recently held a panel discussion at our Midyear Meeting in New Orleans that discussed effective legislative strategies for advocating

for the courts. The panel is one of many initiatives sponsored by our Task Force on Preservation of the Justice System to study this issue and offer solutions.

We have also reached out to new partners, such as the U.S. Chamber of Commerce, to join with us in this advocacy campaign for our courts. State and local bar associations are heavily invested as well. In Massachusetts, the State Bar placed billboards on two interstates to highlight the need for increased court funding. In California, a new coalition of business, labor and legal professionals held rallies for the judiciary in San Francisco and Los Angeles. These are unconventional yet effective initiatives to raise public awareness for our courts and their current financial plight.

These efforts can make a positive difference. In New York, almost $200 million in cuts led to daily 4:30 p.m. court closings and delays in arrest-to-arraignment times on the weekends. The legal community, led by the New York State Bar Association, and others were successful in lobbying the Governor and the legislature to restore a normal workday and weekend arraignments as well as increased pay for trial judges who had not had even a cost of living increase in 12 years. In Florida, legislators agreed early this year to designated state revenue as a sustainable source of funding for its courts for the first time since 2009. This result followed an intense public campaign led by the Florida Bar Association, legal professionals and business groups.

Adequately funded, independent, fair and impartial courts are the key to constitutional democracy. Constitutional democracy is the key to freedom. For more than 200 years, men and women have sacrificed, and some have even died, for this constitutionally protected freedom that has been handed down to us. Now, in our time, we must stand up and speak out for our courts to assure continued access to justice for all Americans. Otherwise: No Courts. No Justice. No Freedom.



KENTUCKY CHIEF JUSTICE JOHN MINTON, JR. (1977), DEAN DAVID A. BRENNEN, UC IRVINE DEAN ERWIN CHEMERINSKY, AND KLJ EDITOR-IN-CHIEF STEFAN BING (2012)

SYMPOSIUM

Explores the Issue of Court Funding

"All of us must have and protect our right and our freedom to use courtrooms when we need to." This statement, from American Bar Association President Wm. T. (Bill) Robinson III (1971), summed up the focus of the Kentucky Law Journal Symposium on Court Funding, held September 23 and 24, 2012 at the University of Kentucky. The symposium, co-sponsored by *Kentucky Law Journal*, the ABA, the National Center for State Courts and LexisNexis, was a joint celebration of the *Kentucky Law Journal's* 100th volume and Mr. Robinson's ascension to the ABA Presidency.

"That courtroom must be open to protect families," Mr. Robinson continued in his keynote address. "That courtroom must be open to validate and protect contracts for business. That courtroom must be open to keep the wheels of justice turning. That courtroom must be open to defend our individual rights to prove again and again that we continue to be a free society. All of that takes more money … not less and less money for our courts."

A number of leading legal scholars, judges, practitioners, court administrators and members of the business community participated in this national dialogue, discussing the practical and constitutional impact of court underfunding. Speakers included Erwin Chemerinsky, Dean of the University of California–Irvine School of Law; Kentucky Chief Justice John D. Minton, Jr.; Lisa Rickard, president of the Institute for Legal Reform at the U.S. Chamber of Commerce; and Donna Melby, former president of the American Board of Trial Advocates. An estimated 250 people from across the nation attended the two-day conference.

ABOVE: FORMER ABA PRESIDENT STEPHEN N. ZACK, INSTITUTE FOR LEGAL REFORM PRESIDENT LISA RICKARD, OHIO CHIEF JUSTICE MAUREEN O'CONNOR, FORMER SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES JON MILLS, DELAWARE SUPREME COURT JUSTICE JACK JACOBS AND FORMER AMERICAN BOARD OF TRIAL ADVOCATES PRESIDENT DONNA MELBY DISCUSS COURTS, BUSINESS AND THE ECONOMY.

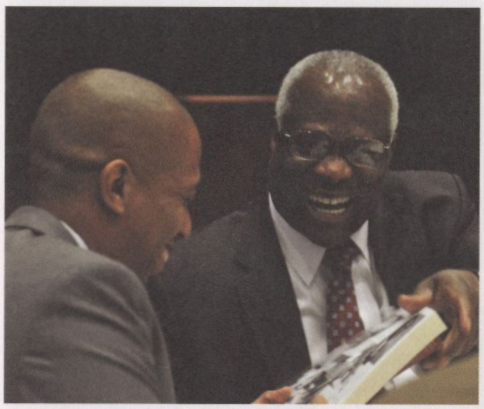
A Conversation with Clarence Thomas

On April 5, 2012, a packed house at the University of Kentucky's Memorial Hall was treated to a rare chance to look in on an informal discussion with United States Supreme Court Associate Justice Clarence Thomas. Thomas, the College of Law's 13th Roy F. and Virginia R. Ray lecturer, sat down with American Bar Association President and 1971 UK Law alumnus Wm. T. (Bill) Robinson III, College of Law Dean David A. Brennen and Professor of Law Stephen Clowney for a conversation about Thomas' upbringing, his biography, and the experience of serving on the nation's highest court.

In his introduction, UK President Eli Capilouto noted similarities between the two of them. However, though they were the same age and grew up in neighboring states, Capilouto noted that they likely would not have met, due to the hate and intolerance of those times. Nevertheless, Thomas has fond memories of the rural Georgia community in which he grew up, and said he wouldn't trade his neighborhood for anything. "There was order and peace there," Thomas noted. And though he was one of the first black students in his high school, he said, "No one ever said I was inferior."

He also spoke highly of the strong influence his grandparents had in his life. "I would kiss their feet and thank them," he said, if they were here today. His 2007 memoir, *My Grandfather's Son*, is dedicated to them.

When asked about his relationship with the other justices, Thomas referred to them as "good people," and claimed he had never heard an unkind word among the nine. "There's more discussion about legal issues in writing than in spoken words among the justices," he said. According to Thomas, he spends a lot of time reading about history, economics and other subjects, and reading old court opinions to help him in his job. "Do this job long enough," he said, "and the depth of your thinking increases."



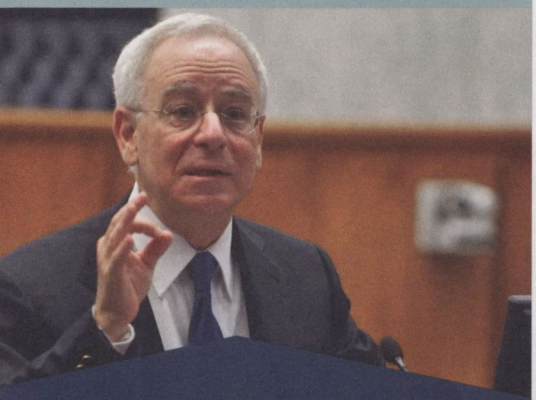
The Roy R. and Virginia F. Ray Lecture

The Roy R. and Virginia F. Ray Lecture was established at the College of Law in 1977. The lectures are offered free of charge to the university community and the public, and are supported by a gift from Roy and Virginia Ray of Dallas, TX. Mr. Ray is a 1928 graduate of the College of Law. Since its inception, the Ray Lecture Series has brought outstanding jurists and public officials to the University. Previous speakers have included William S. Sessions, Director of the Federal Bureau of Investigation; The Honorable Abner J. Mikva, Judge of the U.S. Court of Appeals; National Public Radio legal affairs correspondent Nina Totenberg; and more recently, William T. Coleman, Jr. We are proud to add Justice Clarence Thomas and Dean Robert C. Post to this distinguished list of speakers.

Yale Law Dean Speaks on Academic Freedom

On April 13, 2012, the College of Law was thrilled to host the 14th Roy R. and Virginia F. Ray Distinguished Lecturer, Robert C. Post, Dean of the Yale Law School and Sol and Lillian Goldman Professor of Law. Dean Post spoke Friday evening in the College of Law Courtroom on the subject of Academic Freedom and how it pertains to First Amendment rights. He quoted Daniel Coit Gillman, the first president of Johns Hopkins University, as saying "One of the great functions of the university is the acquisition, conservation, refinement and distribution of knowledge. It's the business of the university to advance knowledge."

In addition delivering the Ray Lecture, Dean Post spoke to the American Constitution Society for Law and Policy and attended a reception in his honor at the University of Kentucky King Library. Friday morning he guest lectured to a Constitutional Law class on the Fourteenth Amendment of the U.S. Constitution.



"Academic freedom is not the freedom to say whatever you want [but] the freedom to pursue your discipline."

IMPORTANT DEVELOPMENTS IN UK LAW'S LEGAL RESEARCH AND WRITING PROGRAM

The Fall 2011 UK *Law Notes* announced that Professor Melissa Henke joined the faculty as UK Law's first full-time Director of Legal Research and Writing ("LRW"). Since then, the law school has seen important LRW program developments that will benefit our students as future lawyers, including curriculum enhancements for the first-year LRW course and the addition of two new full-time faculty positions. "These developments have been made with one primary goal in mind," says Henke, which is "to increase opportunities for students to prepare for the practice of law by further developing a foundation in legal research and in effective written and oral communication." Three key developments from the past year and upcoming fall are:

1 INCREASE IN CREDIT HOURS

Beginning in Fall 2011, the credit hours earned for the first-year LRW course increased from three to four credits. The increase puts UK Law more in line with the national average of credit hours earned for a required LRW curriculum (4.8 credits[1]). It also acknowledges work that students were already doing in a rigorous course that simulates the demands of practice with three major writing assignments (each requiring a draft and rewrite), plus numerous research assignments and an oral argument exercise.

The increase also means additional classroom time, which professors can use for in-class exercises that allow students to practice the techniques involved in efficient legal research, strong legal analysis, and effective legal writing. Students can then debrief with each other and the professor about the exercises before they must independently apply those techniques in their research and writing assignments. In addition, these group discussions often mirror the collaboration among attorneys that is common in practice.

Another important aspect of today's legal practice is the use of professional e-mails. Thus, the fourth credit hour will be used for further enhancements to the Fall 2012 LRW course, including an assignment relating to client letters and professional e-mails, as well as more instruction on polishing documents for citation, grammar, and punctuation.

2 RESEARCH & WRITING INTEGRATION

Henke has been working closely with legal research professors to better integrate the research and writing components of the first-year LRW course. This integration is consistent with LRW curriculum at other law schools; in fact, 86% of law schools responding to a 2011 survey confirmed their required LRW curriculum integrates legal research with writing.[2]

Henke reports that "student feedback relating to our integration efforts has been largely positive so far." Beau Steenken, UK Law's Instructional Services Librarian, agrees. "We have designed course documents and research assignments to emphasize to students that legal research and writing, while somewhat different skills, are part of a single process; neither skill is ever really performed without also engaging in the other," explains Steenken. "We also have plans for more collaboration among the relevant professors," says Steenken. "We believe maintaining collaboration between research and writing professors throughout the academic year will help our students develop even more efficient and effective research skills."

3 NEW FULL-TIME FACULTY

Fall 2012 will see the biggest change to the LRW program to date with the addition of two new full-time faculty members to teach legal writing. UK Law welcomes Kristin Hazelwood and Diane Kraft as Assistant Professors of Legal Research and Writing (refer to related articles for more about our new faculty members).

While past legal writing classes were largely taught by adjunct professors, the addition of our two new full-time professors means that all first year LRW sections can now be taught by full-time faculty or the equivalent. For the 2012–13 academic year, there will be four legal research professors

(full-time library faculty) and five legal writing professors (the three full-time legal writing faculty plus Professor Allison Connelly, the Director of the Legal Clinic, and Jane Grise, Acting Director of Academic Success).[3] When combined, the law school's legal writing faculty have more than 70 years of practice experience and more than 50 years of experience teaching legal writing, which is important to a foundational LRW course that incorporates important practical skills into the first-year curriculum.

This full-time staffing model is consistent with UK Law's other first-year courses and with LRW curriculum at law schools across the country, including benchmark law schools and schools with top-ranked legal writing programs.[4] The staffing model has advantages for students and faculty alike. Students benefit from the time that a full-time professor has to prepare for class, meet with students outside of class, and provide individualized oral and written feedback on student papers. Full-time faculty likewise benefit from having more time to dedicate to studying the craft of teaching legal writing, including through presentations at national and regional conferences. They can also more fully engage in the law school community, including through participation in faculty committees and meetings.

Future enhancements can also benefit 2L and 3L students. Most adjunct professors are busy practicing attorneys who do not have time to teach a first-year writing class and an upper-level class. With the first-year writing classes now taught by full-time faculty or the equivalent, the law school can explore ways to utilize our experienced and dedicated adjunct faculty to expand the practice-focused course offerings in the upper-level course of study. Doing so would complement the law school's existing practice-focused courses and extra-curricular activities, and thus allow students even more opportunities to further develop effective oral and written communication skills.

The future is bright for UK Law's LRW program. "We all know that analyzing, writing, and researching are basic tools of the trade for all lawyers," says Dean David A. Brennen. "We are committed to an LRW curriculum that ensures we are doing all we can to improve the way we teach students to think and write like lawyers."

---

1 Association of Legal Writing Directors/Legal Writing Institute, Report of the Annual Legal Writing Survey (2012) (the "ALWD/LWI 2012 Survey").

2 ALWD/LWI 2012 Survey.

3 To maintain the benefits of a small LRW class, the full-time legal writing faculty will each teach two sections of the first-year LRW course.

4 According to the ALWD/LWI 2011 survey, almost 90% of the 184 responding law schools use full-time faculty in whole or part for the required LRW curriculum. Moreover, the ten highest-ranking legal writing programs in the country (based on the 2012 U.S. News & World Reports) all use full-time faculty in their required first-year LRW course.

Welcome New College of Law Faculty

BRIAN L. FRYE joins the faculty as an Assistant Professor of Law. His research focuses on legal issues affecting artists and arts organizations. He will teach Civil Procedure, Copyright, Intellectual Property, Nonprofit Organizations, and Art Law. Previously, he was a Visiting Assistant Professor of Law at Hofstra University School of Law. Professor Frye was a litigation associate at Sullivan & Cromwell LLP. He clerked for Judge Andrew J. Kleinfeld of the United States Court of Appeals for the Ninth Circuit and Justice Richard B. Sanders of the Washington Supreme Court. Professor Frye received his J.D. from the New York University School of Law in 2005, an M.F.A. from the San Francisco Art Institute in 1997, and a B.A. from the University of California at Berkeley in 1995. Professor Frye is also a filmmaker and a journalist. His films were shown in the Whitney Biennial 2002, the New York Film Festival, and the San Francisco International Film Festival, among other venues, and are in the permanent collection of the Whitney Museum of American Art. His critical writing on film and art has appeared in *October, The New Republic, Film Comment, Cineaste, Senses of Cinema,* and *Incite!*, among other journals. He is currently collaborating with Penny Lane on "Our Nixon," a feature-length documentary based on the Super-8 home movies of H.R. Haldeman, John Ehrlichman, and Dwight Chapin.

MARIA GALL will be a Visiting Assistant Professor of Law starting this fall. She will be teaching courses in Professional Responsibility and Business Associations. Prior to joining the faculty, Professor Gall was a litigation associate with Cadwalader, Wickersham & Taft LLP in New York City, where her practice was concentrated in complex commercial litigation with an emphasis in securities litigation and shareholder derivative suits. She also clerked for the Honorable Charles R. Simpson III of the United States District Court for the Western District of Kentucky after graduating from the College of Law in 2006. Most recently, Professor Gall has been residing in the United Kingdom as candidate for the MSc in Human Rights at the London School of Economics and Political Science.

KRISTIN J. HAZELWOOD joins the College as Assistant Professor of Legal Research and Writing. Professor Hazelwood previously taught legal writing at Vanderbilt University Law School and Belmont University College of Law, both in Nashville, Tennessee. Prior to teaching, she practiced with Bass, Berry & Sims, PLC in Nashville. She practiced in the firm's environmental, commercial, and litigation departments. She received her B.A. *summa cum laude* from the University of Louisville in 1996. She was a member of the inaugural class of McConnell Scholars at the University of Louisville. Professor Hazelwood received her law degree *magna cum laude* and Order of the Coif from Washington and Lee University School of Law in 1999. She was a staff writer and Executive Editor of the *Washington & Lee Law Review*. Her note, "Let the Buyer Beware: The Seventh Circuit's Approach to Accept-or-Return Offers," was published in the *Washington & Lee Law Review* and received an award for the best student-written note.

DIANE B. KRAFT, Assistant Professor of Legal Research and Writing, received her B.A. degree with distinction in history and journalism from the University of Wisconsin, M.A. degrees in applied linguistics and Russian literature from Indiana University, and a J.D. from the University of Wisconsin School of Law. She was an associate attorney at Coyne, Schultz, Becker & Bauer in Madison, Wisconsin, before joining the University of Kentucky College of Law in 2009 as the Assistant Director of Legal Writing and Director of Academic Success. In her pre-law life, Professor Kraft taught Russian, English as a second language, and academic writing at Indiana University and Korea University in Seoul, South Korea.

RICHARD C. AUSNESS spoke in February at a conference at the University of Florida College of Law, the purpose of which was to commemorate the 40th anniversary of the enactment of the Florida Water Resources Act and the Clean Water Act. Richard was one of the co-authors of the Model Water Code upon which the Florida Act was based. His article, "Fasten Your Seat Belt, Orville!" has been accepted for publication by the *Indiana Law Review*.

SCOTT R. BAURIES recently presented his work on "Academic Liberty" at the National Labor and Employment Conference as an invited speaker. Scott will also be presenting this article at a symposium at the University of Wisconsin in October. He delivered a presentation, "American School Finance Decisions: Right or Wrong for Rights to Education in South Africa?" at a conference, Interpreting the South African Constitution in Educational Contexts, in Johannesburg, South Africa, in July of this year. His article "The Education Duty," will be published in *Wake Forest Law Review* (2012). He has a book, *Jumpstart: Civil Procedure*, forthcoming from Aspen in 2013.

JENNIFER BIRD-POLLAN presented "Individual Responsibility and Redistributive Taxation" at the Class Crits Conference in Washington, D.C. in September, 2011, and spoke as a commentator at the *Louisville Law Review* Symposium on Deficit Reduction in October. Her article, "Taxing China: Sovereign Wealth Funds and the Foreign Sovereign Tax Exemption" is forthcoming in the *Fordham Journal of Corporate and Financial Law* (2012).

DAVID A. BRENNEN co-edited *Tax Law and Policy: Beyond Economic Efficiency*, which will include his chapter "Federal Income Tax Exemption for Charities." This year, he delivered presentations to the Sixth Circuit Judicial Conference, The Cincinnati Bar Association, and the Southeastern Conference Academic Consortium's Academic Leadership Development Program.

TINA BROOKS presented "LibGuides: A Sonic Screwdriver for Academic Law Libraries" at the American Association of Law Libraries Annual Meeting, along with Beau Steenken. They also gave a poster presentation of the same at the Southeastern Chapter of the AALL. She collaborated with Franklin L. Runge, Ryan Valentin and Beau Steenken on "The Basics of Free Online Legal Research" for a University of Kentucky Continuing Legal Education program in February.

RUTHEFORD B. CAMPBELL was solicited by the Government Accountability Office and the Senate Banking Committee for comment on the JOBS Act. He also spoke at The Ohio State University College of Law symposium on small business capital formation and the JOBS Act. He served as the 2012 Chair of the AALS Section on Agency, Partnerships, LLCs and Unincorporated Business Associations.

STEPHEN CLOWNEY article, "Property in Law: Government Rights in Legal Innovations," was published in the *Ohio State Law Journal*.

ALLISON CONNELLY presented "Walking Around in his Skin: Atticus Finch and the Sixth Amendment," for Rethinking Harper Lee's *To Kill a Mockingbird* Fifty Years Later: A Critical Race Perspective on Atticus Finch, Tom Robinson and Maycomb County, Alabama, at Seattle University School of Law this spring.

MARY J. DAVIS published "The Case Against Preemption: Vaccines and Uncertainty," in the *Indiana Health Law Review* (2011). She also presented "Vaccines and Drugs: A Brave New Tort World," at the AALS Torts and Compensation Systems Section Annual Meeting, and "Preemption of Pharmaceutical and Medical Device Litigation," at an Indiana University–Indianapolis School of Law conference on health law last October.

JAMES M. DONOVAN has had three articles published recently: "Citation Advantage of Open Access Legal Scholarship," in the *Law Library Journal*; "Institutional Repositories: A Plethora of Possibilities," in *Trends in Law Library Management and Technology*; and "Open Access: Good for Readers, Authors, and Journals," in *Bloomberg Law Reports: Student Edition*.

JOSHUA A. DOUGLAS has placed "Procedural Fairness in Election Contests" in *Volume* 88 of the *Indiana Law Journal* (2013). He was invited to present this paper at the SEALS 2012 annual meeting. He published two solicited essays: "Election Law and Civil Discourse: The Promise of ADR," with the *Ohio State Journal on Dispute Resolution*, and "Enlivening Election Law," with the *Saint*

Louis University Law Journal for their *Teaching Election Law* issue.

CHRISTOPHER W. FROST's book, *Corporate Governance in Insolvency and Bankruptcy, Collier Monograph*, was published last year by LexisNexis. He was a panelist on "*Stern v. Marshall*, Municipal Bankruptcies and Other Recent Developments," at the Sixth Circuit Judicial Conference in April. Last fall, he was appointed by Lexington Mayor Jim Gray to chair the Public Safety Task Force, an inter-agency group formed to research, plan, and coordinate law enforcement and other public safety activities.

ALVIN L. GOLDMAN's chapter, "Functional Representation as a Supplemental Means of Providing a Voice for Workers" in *Employment Law in the Light of Processes of European Integration: Liber Amicorum Maria Matey-Tyrowicz* was published this year.

LOUISE E. GRAHAM has completed the update to her book, *Kentucky Domestic Relations*, with Judge James E. Keller.

ROBERTA M. HARDING was the Keynote Speaker at the Bars to Walls: Inmate Art Expressions Symposium at the University of Louisville School of Law in September of last year. This spring, she was honored by the Center for Gender & Refugee Studies at UC Hastings College of Law.

MELISSA N. HENKE's column on "Effective Legal Writing," appeared in the May 2012 issue of the Kentucky Bar Association's publication, *Bench & Bar.*

MICHAEL P. HEALY co-authored a casebook, *Administrative Law*, and corresponding teacher's manual. Both were published this year by Aspen. His article, "Reconciling *Chevron, Mead*, and the Review of Agency Discretion: Source of Law and the Standards of Judicial Review," was published by the *George Mason Law Review* last fall.

NICOLE HUBERFELD's article, "Federalizing Medicaid," originally published in the *University of Pennsylvania Journal of Constitutional Law*, was cited by Supreme Court Justice Ruth Bader Ginsburg in her concurring opinion on the constitutionality of the Patient Protection and Affordable Care Act. Huberfeld has placed "Post-Reform Medicaid: Tension between Reinvention and Path Dependence" with *Annals of Health Law*, forthcoming this year. She presented the article at Loyola University's 5th Annual Access to Healthcare Symposium. This year has also seen the publication of two book chapters, "Federal Spending and Compulsory Maternity," and "Reproductive Rights," in *Feminist Constitutionalism* and *Problems in Health Care Law*, respectively.

DIANE B. KRAFT, was a co-panelist for a presentation entitled "Plagiarism Detection Programs: How Good Are They?" at the Legal Writing Institute 15th Biennial Conference in May. She wrote the November 2011 "Effective Legal Writing" column for the Kentucky Bar Association's *Bench & Bar.*

Best of Luck, Professor Barnett!

Kent H. Barnett, 2005 University of Kentucky College of Law Graduate, and the College's first Visiting Assistant Professor (VAP), will be an Assistant Professor of Law at the University of Georgia School of Law, beginning Fall 2012. Please join us as we wish Professor Barnett all the best!

The most recent edition of **ROBERT G. LAWSON**'s Kentucky Evidence Law Handbook will be published in early 2013. He presented "Criminal Justice in Kentucky: On the Mend or in Decline?" to the Kentucky Bar Association Annual Convention. He also spoke to the Prison Ministry Commission of the Episcopal Diocese of Lexington on "House Bill 463–Assessment and Critique," about the 2011 reform of Kentucky's drug laws.

DOUGLAS A. MICHAEL returned to head the University of Kentucky's Volunteer Income Tax Assistance (VITA) program. Bill Farmer, President of the United Way of the Bluegrass, thanked him

personally for his work in "bringing tax preparation to those that need it most."

KATHRYN L. MOORE has recently published two articles: "The Future of Employment-Based Health Insurance after the Patient Protection and Affordable Care Act," in the *Nebraska Law Journal*; and "An Overview of the U.S. Retirement Income Security System and the Principles and Values it Reflects," in the *Comparative Labor Law and Policy Journal*.

MELYNDA J. PRICE organized "Learning the Ropes: Black Girlhood, Identity and the Power of Play," the 18th Annual Black Women's Conference for the University of Kentucky African American and Africana Studies Department. She published her article, "Policing the Borders of Democracy: The Continuing Role of *Batson* in Protecting the Citizenship Rights of the Excluded" with the *Iowa Law Review* this spring and delivered a presentation on the same at the University of Iowa Law School last October.

FRANKLIN L. RUNGE collaborated with Ryan Valentin, Beau Steenken, and Tina Brooks on "The Basics of Free Online Legal Research" for a University of Kentucky Continuing Legal Education program in February.

PAUL E. SALAMANCA coached this year's moot court teams, including helping Jerrad Howard and Abby Sheehan take home the title of Best Oral Advocates from the Saul Lefkowitz Regional Moot Court Competition this spring.

ROBERT G. SCHWEMM was a guest lecturer at the University of Michigan Law School at its seminar on fair housing law and policy last fall, speaking on harassment cases and also the "affirmatively furthering" duty of federal-fund recipients under the Fair Housing Act. He did a number of presentations around the country on fair housing law, including at the San Diego Fair Housing Conference, the Annual Meeting of the National Fair Housing Alliance, and the U.S. Office of General Counsel and Department of Housing and Urban Development's Fair Housing Seminar. In addition, he was acknowledged in the Preface to Charles Abernathy's 5th edition of *Civil Rights & Constitutional Litigation*: "Special thanks for this edition go to Robert Schwemm at the University of Kentucky who stretched my knowledge of fair housing law."

Welcome Professor Moran

We are proud to announce Vanderbilt Law School Professor Beverly Moran as the 2012 James and Mary Lassiter Distinguished Visiting Professor. Professor Moran is a leading tax scholar whose work includes a path-breaking analysis of the disparate impact of the federal tax code on blacks and an innovative text on the taxation of charities and other exempt organizations. Her research interests also include law and development, interdisciplinary scholarship, and comparative law. Professor Moran has won a number of teaching awards and grants, including a Fulbright award, a grant from the Annie E. Casey Foundation and a grant from the Ford Foundation. Since coming to Vanderbilt in 2001, she has served on the executive committee of the Association of American Law Schools, the Board of Governors of the Society of American Law Teachers, and as the first director of the Vanderbilt University Center for the Americas. Before joining Vanderbilt's law faculty, Professor Moran taught at the University of Wisconsin Law School, where she directed the Center on Law and Africa. She began her academic career on the faculty of the University of Cincinnati College of Law. Over the course of her academic career, Professor Moran has been a visiting professor at the University of Colorado, the University of Asmara in Eritrea, the People's University in Beijing, the Peking University, and the University of Giessen in Germany. She was a 2008–09 American Council on Education Fellow at the Massachusetts Institute of Technology.

Look for more information later this fall on "Lawyering in the Public Interest," the 2012 Lassiter Visiting Professor Conference. Distinguished speakers will include Paul Kerson and Susan Burke, both practitioners who have taken on high-profile public interest cases.

BEAU B. STEENKEN presented "LibGuides: A Sonic Screwdriver for Academic Law Libraries" at the American Association of Law Libraries Annual Meeting, along with Tina Brooks. They also gave a poster presentation of the same at the Southeastern Chapter of the AALL. He published "You Say You Want an e-Revolution? Helping Our Patrons Benefit from Developments in Personal Technology," in *AALL Spectrum* in March. He collaborated with Franklin L. Runge, Ryan Valentin and Tina Brooks on "The Basics of Free Online Legal Research" for a University of Kentucky Continuing Legal Education program in February.

RICHARD H. UNDERWOOD's article, "Following the Rules: Exclusion of Witnesses, Sequestration, and No-Consultation Orders,'" is forthcoming this year from the *American Journal of Trial Advocacy*. He presented "Murdered Girls," about the case of Ellen Smith, at the University of Kentucky Niles Art Gallery Musicology Lecture in December.

RYAN A. VALENTIN collaborated with Franklin L. Runge, Beau Steenken, and Tina Brooks on "The Basics of Free Online Legal Research" for a University of Kentucky Continuing Legal Education program in February.

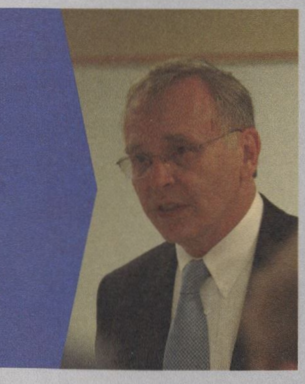
HAROLD R. WEINBERG was a panelist in "The Artist as Philanthropist: Committing Artworks and Intellectual Property as Private Foundation Assets" sponsored by the Aspen Institute last fall.

SARAH N. WELLING spoke at the White Collar Crime and Business Bankruptcy conference sponsored by the ABA Business and Criminal Justice Section last fall. In March, she spoke as part of a panel on business bankruptcies at the ABA Spring Business Section Meeting on how criminal forfeiture interacts with bankruptcy when a Ponzi scheme is involved. Her article, "Reviving the Federal Crime of Gratuities," is forthcoming in the *Arizona Law Review*.

RICHARD A. WESTIN's article, "Americans' Unwillingness to Pay Taxes Before the American Revolution: An Uncomfortable Legacy," was published in *The Journal Jurisprudence*.

PROFESSORS VASEK AND FORTUNE RETIRE AFTER NEARLY A CENTURY OF COMBINED TEACHING

By Rebekah Tilley



With quiet dedication, **PROFESSOR STEPHEN J. VASEK, JR.** made the most complicated legal theories in taxation, business and international law accessible to his students. After 43 years, he retired at the end of the 2011-2012 academic year.

A native of Chicago, Vasek completed a bachelor's degree in business administration and accounting at Northwestern University. After working in the tax department of Arthur Andersen & Co., Vasek went to Northwestern University Law School and then to Harvard Law School for an LL.M specializing in international business.

After living with the culinary amenities of Chicago and Boston, what stands out most to Vasek about coming to Lexington in 1969 was the choice of food. "There was one McDonalds and a place that claimed to be a Chinese restaurant. I went in one day and the special was Irish Stew," he smiled.

During his tenure at the College, Vasek served as assistant dean under Deans Lawson and Hardy in the 1970s. As a teacher, Vasek was gifted at directly and succinctly revealing the breadth and depth of taxation and business law to students who came to the classroom with varying degrees of prior knowledge about business and finance.

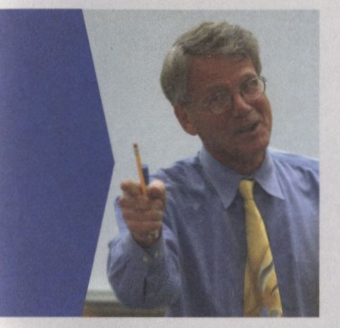
"During a time when many of our tax professors were very detail-oriented and into the complexity of tax transactions, Steve was a fabulous tax professor both for those who wanted to practice tax law and for those who needed to understand it in a basic way but weren't planning to practice it," said Professor Sarah Welling, who was one of Vasek's students in the 1970s. "He made tax law accessible to people who didn't need to understand it in total detail."

When asked what his best memories were from his teaching career, Vasek answered definitively, "The students. The students had such interesting backgrounds. They were very bright and intelligent, and they made teaching fun. I particularly enjoyed getting to know them informally after class."

For a number of years, Vasek led a team of students to participate in the Willem C. Vis International Commercial Arbitration Moot, a prestigious international moot court held annually since 1994 in Vienna, Austria.

"Every one of the students was unbelievably excited even though once we got there they worked like dogs," Vasek laughed. "I was meeting with them in restaurants until midnight going over their argument for the following day. But it was so much fun. It gave them all the experience of a lifetime. We were one of the first schools to participate."

Now entering retirement, Vasek plans to write and travel. He and his wife recently returned from a trip to Ireland, and they look forward to many other journeys in the future.



The sight of **PROFESSOR WILLIAM "BILL" FORTUNE** biking up to the College of Law every morning is almost as institutionalized as the marble columns holding up the roof itself. After 43 years of service, Fortune strapped his bike helmet on his head and commuted to work one final time before officially retiring at the end of the 2011–2012 school year.

A Lexington native, Fortune graduated with the "Kennedy generation" UK Law Class of 1964. After five years of practice with the firm that became Stites & Harbison, he joined the faculty in 1969.

It has been estimated that Fortune has taught more courses at the College of Law than any faculty member in the College's history; most were basic courses with heavy student loads. Professor Allison Connelly, who was one of his students in the early 1980s, remembers that he was adept at leading students to the right answer without belittling them or making them feel foolish. He also went a step beyond merely knowing the nuts and bolts of the law to leading students to think about the morality of the law.

"He taught his students the law but also about the people behind the law," Connelly explained. "And made us think: 'Is the law right? Is it fair? Is it just?' I think when Bill Fortune's students think of him, they will remember that he taught us all that lawyers can and must make positive contributions to people's lives like he did."

Fortune was also tireless in his service to the College and the University. He served in important administrative positions for the College, including associate dean, and at the University level as University Senate Chair and Ombudsman. According to Professor Robert Lawson, who was Acting-Dean and Dean of the College during two periods in the 1970s and 1980s, Fortune was adept and resourceful when it came to solving thorny administrative problems.

"There's nobody any better," Lawson said flatly. "If you had something that needed to be done, he would do it. Never expressed any hesitancy. He has more versatility than any other faculty member. I called him the most valuable player on the faculty. He can just do anything."

Outside of UK, Fortune's commitment to the legal community through his service to the Kentucky Bar Association and Public Advocacy Commission, work as a public defender during sabbatical years, and dedication to improving other social services and legal institutions throughout the Commonwealth resulted in his induction into the UK College of Law Hall of Fame in 2012 (see announcement on page 33).

"He's the Pat Boone of the law school," Connelly declared. "The guy never aged. He taught here 43 years and he is still fit and handsome. And as if that wasn't enough, at the age of 69 he rode his bicycle from the Pacific to the Atlantic."

Peddling into retirement, Fortune is in the process of publishing a recently completed book manuscript and working on a number of pro-bono cases. He plans to continue his involvement with the state bar and the courts as well as working with continuing legal education programs.

But perhaps his most enduring legacy will be his students who now are scattered across the Commonwealth, the nation and even the world.

"What drove him here for 43 years was the concern that he had for students and trying to prepare them for what was ahead of them," Lawson said. "He did that better than anybody. He was a perfect model for them as a person, as a lawyer and as a law professor."

Paul Oberst Learns to Teach Law

By Mary Oberst

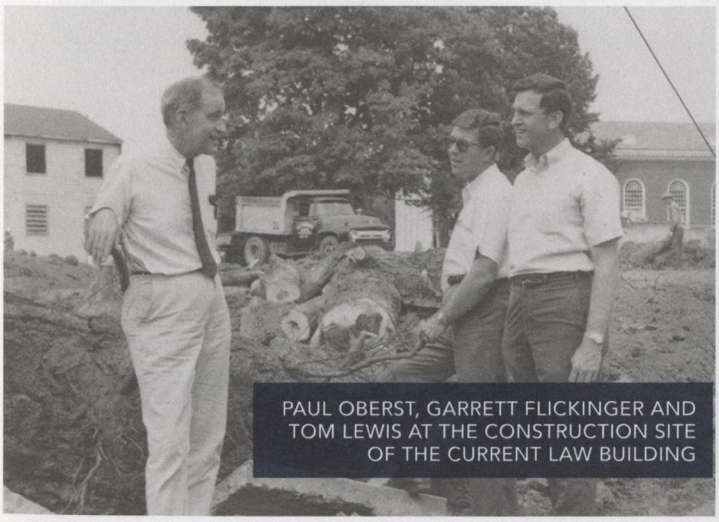
Professor Emeritus Paul Oberst was born in Owensboro, Kentucky, in 1914. In 1946, after returning home from his service in the U.S. Navy in the South Pacific during World War II, he began his teaching career at UK Law. During his first year of teaching, he wrote frequent letters to his fiancée, Elizabeth (Libbet) Durfee, whom he met when they were both students at the University of Michigan Law School. They married in June 1946. This article excerpts some of those letters.

January 15, 1946

I traveled to Lexington in uniform and a good thing because I couldn't find a hotel room when I got in Wed. nite and had to stay at the Stop-over, a service-man's center. Thursday I ran around in the rain trying to find a room and a civilian hat, shoes, and raincoat, and had no time to assign or brief cases.

So Friday morning at 8 a.m. I began by giving the boys some general observations on the study of law. I said all I had to say, glanced at my watch, and discovered it was 8:20 and right then and there hit a new low. Then we got into the cases and since then things have been a lot better.

I find that everything I read makes sense, but I have forgotten what a lot of the issues were, so I have to read, read, read to anticipate all possible issues that the boys may raise in class. I found this week that you can't teach intentional torts without common-law pleading—so I have had to make an extensive review of the history, development, and rules of trover, trespass, replevin, and detinue. It's working me awfully hard but I feel no sense of strain or worry about it, and the greatest satisfaction with the way things are going.



PAUL OBERST, GARRETT FLICKINGER AND TOM LEWIS AT THE CONSTRUCTION SITE OF THE CURRENT LAW BUILDING

January 24, 1946

Yesterday afternoon at this time, my chin was practically dragging on the ground—I had just come out of Contracts where I had started a perfectly clear principle of law and, when one of the boys asked me for an illustration of how the situation would arise, I couldn't think of any. While still struggling over the problem, I asked another boy to give a brief and was still so bemused that I got the facts of the case all mixed up and felt like a perfect fool. But I woke up this morning fresh as a daisy, charged into Torts and Contracts, laid down the law of the rights of the owner of land and chattels to deal with trespass to same in defense of same and then to Contracts with the law of when mistake or ambiguity will void said contract. Both hours were clear, beautiful, and scintillating discussions and I am once more back on my feet.

February 12, 1946

You can't teach Torts without brushing up on Pleading, Property, Contracts, Constitutional Law, Public Utilities, Crimes, Agency, Equity, etc.—so I find I had best put in 8 hours of work for every hour I teach. It's a grind—but the classes are going well. I'm able to divorce myself completely from my notes now and walk around the classroom and talk and question. By thinking about it in advance, I'm also able to get off a lot of sharp, "impromptu" remarks—as far as I can tell, the boys like it—even 9 times a week.

March 3, 1946

I gave the boys a one-hour Torts quiz to count as 10% of their final grade, and spent last week grading papers—very, very carefully and writing a commentary in each blue book telling each of them just exactly what was wrong with it. Where the difficulty seemed to be poverty of expression and misconception of the purpose of exam questions, I called them in for conferences during the week. They seemed to appreciate it. The most common fault was a desire to write about law in general—without discussing the facts of the case. I'll enclose a copy of my exam questions and see what you think of them.

March 12, 1946

I've finished my last class for the quarter and am feeling a little relaxed. I've finished working up nine killing questions in Torts for the exam Friday and have nothing to do tomorrow and Thursday except think up some equally bad Contracts questions.

It's hard to get down to work. After a cold rainy period, the sun is out and streaming through the window on my desk, and it feels warm enough to tempt me to go out and lie under a tree.

March 20, 1946

I've been teaching in the quiet belief (a) that I had a class composed of 100% geniuses and that nothing I said in class would keep them from writing or (b) that I myself am a teaching genius and, no matter how dull the student might be, under my benign guidance he would write an A paper. But alas and alack, it's not so, and I am currently engaged in grading. It's horrible—especially for me as a novice to try to say this man is good and this there is no hope for, so I am very irascible these days. I was grading Torts up till last night and still have to review some of them—and today I received a new batch of (Contracts) papers.

April 1, 1946

This has been one of those weeks that I just couldn't earn a nickel. Despite the lighter load, I don't seem to be able to get anywhere, but I think it was mostly due to the post-exam-start-of-a-new-quarter flurry. Many of the old boys dropped in to discuss their exams. They were really very nice—not a one of them accused me of being unfair or even of using poor judgment in grading their papers—they just wanted advice on how to do better. It was very touching and better than I deserved. And then there were the new men, dozens of them, entering law school for the first time. The newcomers, added to last quarter's survivors, makes a class of over seventy. I didn't like it nearly as well because you can't hope to call on everyone every day and it's even difficult to answer all questions. I find myself getting away from the Socratic dialogue and heading toward a semi-lecture system and I don't like it.

April 6, 1946

I've been killing myself all week, working up 3rd party beneficiaries—particularly in Kentucky law—and was convinced I had by this morning a really masterful set of notes. So what do I do? I go to class, forget to listen to the brief I call for, woke up in time to apply the rule of the next case to the one just given, and have the class completely confused for several minutes while we talk at cross-purposes. It really defeats me—that's the second time I've done that and it make me feel more like a fool than ever. It's indefensible, inexplicable, and I don't know why I did it! Perhaps it will serve a valuable purpose and keep me from getting cocky.

May 7, 1946

I had the new men—40 of them—make outlines of sections on 3rd party beneficiary. Last week I had half-hour conferences with the 12 or 15 men who seemed to least understand what it was all about—and thereby ruined four afternoons. Thursday afternoon I'm giving the 40 new men a one-question pre-exam, to discover which, if any of them, don't understand that they are supposed to apply the law to the facts. Far into next week I'll have to correct the damn things and confer with the dolts. I don't know why I do these things—except I hate to see anyone flunk out because he failed to get the "word." The men ought to be taught how to study and how to write exams, I think, so if they fail it's due to their own stupidity and not because they didn't master the mechanics.

PAUL AND LIBBET ON THEIR 50TH WEDDING ANNIVERSARY

May 27, 1946

If I were a reasonable man, I'd probably be just about nuts at this point, but aside from an occasional fit of complete desperation, I'm getting along fairly well. Your letter is enough to lift the heart bowed down. As long as you feel that you can put up with any lacks and makeshifts as long as we can get married, it is good enough for me. We'll just do the best we can and if I have to walk to Ann Arbor and carry you back piggy-back, so be it. Maybe you can entertain future generations with accounts of our trials and tribulations.

Take it easy and don't fret. Even if things don't work out in an ideal, fairy-tale fashion, we'll make out one way or another. The important thing is: wherever, however, we'll be together.

Paul taught at the UK Law School until 1982. He and Libbet remained lifelong sweethearts until his death in 2002.

2nd UK College of Law Golf Tournament

The second annual UK Law Golf Tournament on Monday, May 21, at Champion Trace Golf Club was a huge success! Perfect weather and eighteen teams of UK Law alumni, faculty and friends made for a great day of friendly competition. The tournament was able to raise generous funds for the academic initiatives of the Law School, including student scholarships and public interest opportunities.

We greatly appreciate all the alumni and faculty who paricipated. We are already making plans for next year's event. Be on the lookout for details—we hope to see you there!

BRIAN BAUGH (1998), JASON LEE (2008), BRIAN BURTON AND JOHN BRICE (1979) TOOK HOME THIS YEAR'S TROPHY

CLASS OF 1991 TEAMMATES TODD FORESTER, TRIP REDFORD, GREG SCAAF AND GEOFF MARSH

"The event has been a great opportunity to renew old acquaintances and make new friends. I had the opportunity to play with my two sons, the oldest of whom (Jordan Chase Brown) will be starting this fall at UK College of Law. I could not be prouder of him, and feel sure he will make a wonderful contribution to the student body. As for the golf, though we did not successfully defend our title [from the inaugural event], we enjoy it so much that we plan on making it an annual event for the Brown Family!"

-Larry D. Brown (1981)

RYAN UNDERWOOD (2012) TAKES A SWING

LARRY BROWN (1981) LINES UP

A Special Thank You To Our 2012 Sponsors:

BAG SPONSOR
LexisNexis

AWARD SPONSOR
LexisNexis

LUNCH PROVIDED BY
Carino's Italian

CHEAT SHEETS PROVIDED BY
Serif Group Creative Marketing Agencey

HOLE SPONSORS
University of Kentucky College of Law Alumni Association
University of Kentucky Alumni Association
DelCotto Law Group, PLLC
Jackson Kelly, PLLC
Landrum & Shouse LLP
Messer Construction Co.
Charles C. Mihalek, P.S.C.
Progressive Marketing
Stites & Harbison, PLLC
Sturgill Turner Mediation Center
WESTLAWNEXT
Wyatt, Tarrant & Combs LLP

2011

MATTHEW C. COCANOUGHER has joined the firm of Fowler Measle & Bell. His primary areas of practice will be collections and litigation.

TIA J. COMBS has joined the firm of Fowler Measle & Bell. Her primary areas of practice will be insurance litigation and school board law.

GUY HAMILTON-SMITH has placed his article, "The Ballot as a Bulwark: The Impact of Felony Disenfranchisement on Recidivism," in the *Berkeley La Raza Law Journal*.

CHRISTOPHER JACKSON has joined Dinsmore as an associate in the Litigation Department and a member of the Tort and Environmental Practice Groups. He will practice in the firm's Lexington office.

LAUREN LUNSFORD has recently joined the Remiger Law Firm in their Lexington office. She concentrates her practice in the areas of business and commercial litigation, defending and trying cases on behalf of product manufacturers, construction companies, engineers, transportation and trucking companies, premises owners, and primary and excess insurers in catastrophic injury and wrongful death cases. She also practices in the area of employment litigation defending public and private employers in discrimination, retaliation, and wrongful discharge claims.

STEPHANIE M. WURDOCK has joined Sturgill, Turner, Barker & Moloney as an associate attorney. Her practice will focus on health care litigation.

2008

KEEANA SAJADI BOARMAN has been appointed as senior associate at Frost Brown Todd. She is in the Mergers and Acquisitions practice group and advises clients in matters of general business planning, entity formation, mergers and acquisitions, contract formation and negotiation, corporate governance, and a variety of other issues related to business transactions.

ANTHONY BURBA recently took a job with Arnold and Porter in their Washington, DC office. He practices in the FDA Healthcare and White Collar Criminal Defense practice groups. In September, he began a one-year term as the Vice Chair of the ABA Young Lawyers Division's Health Law Committee.

2007

MORGAN MCGARVEY was elected Kentucky State Senator (D) from the 19th District.

2006

JANA SMOOT WHITE has been awarded the 2012 Outstanding Young Lawyer Award by the Fayette County Bar Association. She is an associate at Fowler Measle & Bell, and a member of their Litigation Group. She concentrates her practice in the areas of insurance coverage, legal malpractice, contracts, and estate litigation.

2005

ADAM M. BACK has been named a member of Stoll Keenon Ogden. He practices in the area of bankruptcy in the firm's Lexington office.

MATT MCGILL was recently named partner at English, Lucas, Priest & Owsley. He has worked at ELPO since 2005, primarily handling civil litigation matters and representing plaintiffs in serious injury and wrongful death cases. He has represented individuals in a wide range of cases, including automobile and tractor trailer accidents, premises liability, and products liability. He also defends governmental entities in civil rights litigation.

MARK A. PITCHFORD has joined Waddey & Patterson's Nashville office as an associate. Pitchford, who is a registered patent attorney, focuses his practice on the preparation and prosecution of U.S., foreign, and international patent applications in the electrical, software, and mechanical fields.

CLAY B. WORTHAM has joined the Chicago office of Quarles & Brady as an associate in the Health Law group. Mr. Wortham advises pharmacies, hospital systems, physician groups, and manufacturers with respect to health law regulatory and transactional matters such as fraud and abuse, health information privacy, pharmacy practice, billing, and acquisitions.

2004

LAWRENCE E. "BUDDY" GOODWIN has been named a member of Stoll Keenon Ogden. He practices in the areas of banking, real estate, mineral law, corporate law and general civil practice in the firm's Lexington office.

IAN F. KOFFLER has been elected as a partner with the public finance law firm of Peck, Shaffer & Williams. He works out of the firm's Covington, Ky. office.

FLYNT STREAN has been elected as partner with Alston & Bird and currently works in the firm's Charlotte office. Flynt has also been appointed to the Advisory Board of Virginia Tech's Science and Law Program.

2003

LEE C. WEATHERLY has been elected partner at Carlock, Copeland & Stair in Charleston, S.C. Lee's practice focuses mainly on health care law and general liability defense. He has been lead counsel in over 65 jury trials and is an active member of both the South Carolina and Kentucky Bar Associations.

2002

BRADLEY E. CUNNINGHAM has rejoined the firm of Middleton Reutlinger after serving four years as Corporate Counsel and Director of Risk Management for American Commercial Lines (ACL). Mr. Cunningham practices in the firm's Business Law practice group.

RYAN C. EDWARDS has been elected partner by Taft Stettinius & Hollister. Mr. Edwards devotes a substantial portion of his litigation practice to personal injury, product liability, and wrongful death actions.

2001

GARLAND BARR has started his own law firm, Miller Wells, in Lexington.

BEN T. KELLER has been named partner in Wyatt, Tarrant & Combs' Lexington office. Keller is a member of the firm's Natural Resources & Environmental Service Team and concentrates his practice in the areas of general business, mineral and energy, accounting and legal malpractice, and estate litigation.

LEILA G. O'CARRA has been named partner in in Wyatt, Tarrant & Combs' Lexington office. O'Carra is a member of the firm's Labor & Employment Service Team and concentrates her practice in the areas of labor and employment and commercial litigation.

1997

JASON V. STITT was recently named partner at Keating Muething & Klekamp, a Cincinnati firm. He concentrates his practice in the areas of bankruptcy, reorganization, and creditor's rights.

1996

LAURA D'ANGELO, a partner in Dinsmore's Lexington office, has been elected to serve a five-year term as Chair of the University of Kentucky College of Law National Equine Law Conference. As chair, her responsibilities include coordinating the Planning Committee meetings, topics, speakers, and conference details in conjunction with the University of Kentucky Continuing Legal Education office. D'Angelo has been a member of the National Equine Law Conference Planning Committee since 2000.

AUDREY LEE was recognized by the Paducah, Ky. community as 2011 Woman of the Year for her accomplishments and contributions to the community. In January 2012, Audrey received the Mayor's Award, the highest honor given by the City of Paducah. Audrey is completing 12 years with the Kentucky Department of Public Advocacy and serves as an officer and member in several civic, volunteer, and social organizations in the community.

KERRY B. MCTIGUE has been named co-head of the newly-formed Abbreviated New Drug Application (ANDA) and Generic Pharmaceuticals division of Duane Morris' Intellectual Property Practice Group. He is a partner in the Washington, D.C. office.

1995

A. HASAN DAVIS has been named acting commissioner of the Kentucky Department of Juvenile Justice, after the retirement of Commissioner Ron Haws in December. He previously served as the deputy commissioner in charge of operations.

MARY LYNN TATE has been elected to partner of Ulmer & Berne. She works out of the firm's Cincinnati office, representing pharmaceutical, dietary supplement, and other manufacturers in the defense of product liability claims on a local, regional, and national level, including claims in multidistrict litigation and consolidated proceedings.

1994

ANGELA EDWARDS, a partner in Dinsmore's Louisville office, has been elected to serve a year term as Secretary of the Louisville Bar Association.

1991

FRANKLIN K. JELSMA has been named to the Board of Directors of the Kentucky Chamber of Commerce. Mr. Jelsma is a partner in the firm of Wyatt, Tarrant & Combs and concentrates his practice in the areas of general business law, mergers and acquisitions, corporate finance, and venture capital transactions.

GREGORY R. SCHAAF has been honored with the 2012 Outstanding Citizen-Lawyer Award by the Fayette County Bar Association. Schaaf is an attorney at Bingham Greenebaum Doll, and practices in the area of bankruptcy law and focuses on credit issues, restructuring, workouts, and bankruptcies.

1990

ERICA L. HORN has joined the Stoll Keenon Ogden's State and Federal Tax Practice as counsel to the firm and will work out of its Lexington office.

JOHN HORNE former General Counsel of the Energy and Environment Cabinet for the Commonwealth of Kentucky, has joined Dinsmore's Frankfort office. He will practice as of counsel in the Litigation Department, focusing on regulatory and environmental matters.

Chief Justice of Kentucky John D. Minton Jr. has appointed **GREGORY A. LAY VICE** Chief Regional Circuit Judge for the 27th Judicial Circuit, which is comprised of Knox and Laurel counties. He was appointed as circuit judge in August 2004 and was elected to that position in November 2004 and again in 2006. Prior to assuming the circuit bench, he practiced law in the area of civil litigation with Hamm, Milby and Ridings for nearly 14 years.

1989

EDMUND J. ("NED") BENSON has joined Frost Brown Todd as a member of the Tort Defense & Insurance and Health Law practice groups in their Lexington office.

1987

GAINES PENN recently began a one-year term as Chair of the Board of the Bowling Green Area Chamber of Commerce. Gaines is an attorney and managing partner of English, Lucas, Priest & Owsley in Bowling Green.

1983

KENNETH R. SAGAN has been elected Chair of Stites & Harbison. He assumed his new position in January.

1980

DEBORAH S. HUNT has been selected to succeed Leonard Green as Clerk of the U.S. Court of Appeals for the Sixth Circuit. She has served since 2000 as Clerk of the U.S. Bankruptcy Court for the District of Connecticut.

MACK J. MORGAN III was recently honored as the 2012 Oklahoma Litigator of the Year. Mr. Morgan is director of Crowe & Dunlevy and concentrates his practice in the litigation of complex business and commercial transactions. He also has extensive experience in intellectual property, antitrust, and federal bankruptcy, as well as alternative dispute resolution proceedings and administrative hearings.

1977

BARBARA EDELMAN, a partner in Dinsmore's Lexington office, has been awarded the 2012 Henry T. Duncan Award by the Fayette County Bar Association. This award is the association's highest honor and recognizes a member of the bar whose integrity, leadership, and professional conduct exemplifies the highest ethical and professional standards that benefit the community.

1975

COLONEL FRANK COGGINS will retire as the Chief of Staff of the New Mexico Military Institute after 24 years on March 31. He and his wife plan to spend time traveling in their boat.

1968

JERRY J. COX was sworn in as First Vice President of the National Association of Criminal Defense Lawyers at the Association's 53rd Annual Meeting last fall. He is a sole practitioner and has been practicing criminal defense law for over 40 years.

1964

HAL ROGERS, U.S. Congressman from the 5th Congressional District of Kentucky, was awarded an honorary doctorate of public service from Coastal Carolina University in September, for his work supporting first responder training and equipment and disaster preparedness.

1940

PAUL DURBIN and his wife Margaret celebrated their 70th wedding anniversary on December 13th. They met as freshmen at the University of Kentucky. The couple resides in Hawaii.

IN MEMORIAM

Mrs. Anne N. Lewis, 1946
Mr. James G. Sheehan, Jr., 1949
Mr. Walter Patrick, 1951
Mr. Robert E. Ruberg, 1951
Mr. Jack Howell, 1953
Mr. Morton C. Nickell, 1959
Mr. Cecil T. Earle, 1962
Mr. James C. Strode, 1972
Mr. James F. Dinwiddie, 1974
Mr. Gatewood Galbraith, 1977
Mr. Charles G. Read, 1977
Mr. Jay N. Cowden, 1986
Ms. Mary B. Perdue, 1986
Ms. Kathleen M. Haddix, 1994
Mr. Brian E. Mattone, 1997

The First Years

120 COUNTIES

From Innocence Project to the Department of Public Advocacy

By Rebekah Tilley

Chrissi Foster is quick to tell you she loves to travel with her job. The Class of 2010 graduate has dedicated a Facebook photo album to record her journeys called "Adventure Business Travel." There you'll find pictures of her expeditions including the Farm Boy Restaurant in Morgantown, Ky., the castle-like exterior of the Kentucky State Penitentiary and the peacocks of Butler County. As a post conviction staff attorney with the Kentucky Department of Public Advocacy, Foster practices in all 120 Kentucky counties to do her part ensuring that justice truly is for all.

Foster's passion for the law and the legal system was born out of a story of injustice. Prior to attending college, Foster watched a documentary on the West Memphis Three; a group of Arkansas youths who were convicted of killing three 8-year-old boys.

"I was just so outraged by how easy it would be to wrongfully convict someone especially if the community just felt sure it had to be these people," Foster recalled. "So from there I learned about Innocence Project and knew it was something I wanted to be involved in to help people that had been wrongly convicted."

After completing her undergraduate degree at UK, Foster entered law school and quickly became involved with the Kentucky Innocence Project. The externship coupled well with Foster's classroom instruction. Classes provided a foundation in legal theory while Innocence Project provided an introduction to the practice of law that rarely was about writing a brilliant brief.

"Exposure is a big part of what Innocence Project is," said Foster. "It's exposing you to the back end of all these cases. You get to see what the attorney had to work with when deciding how to proceed in the case. What was left undone. Cases are usually in rural counties so many students are traveling to that county for the first time ever and then getting very intimately intertwined with the community. Some of these crimes can be pretty grizzly."

Foster's first case as a law student with Innocence Project had it all: a corrupt prosecutor, misuse of scientific data, lost evidence. After nine months spent re-interviewing witnesses, talking to the local sheriff and officers involved in responding to the crime, and going over prosecution and defense files, Foster ultimately had to have a tough conversation with her client to tell him nothing more could be done.

"Our system is obviously imperfect and mistakes happen. Sometimes we're not able to perceive the truth at the time in because the scientific testing isn't yet available," said Foster of her experience. "Not everyone gets a case where there is a good claim of innocence. Sometimes after a period of investigation it turns out there isn't anything else that can be done for the client. But even in that situation, it's something that can be a really good experience in seeing how the justice system works and seeing how cases are worked up."

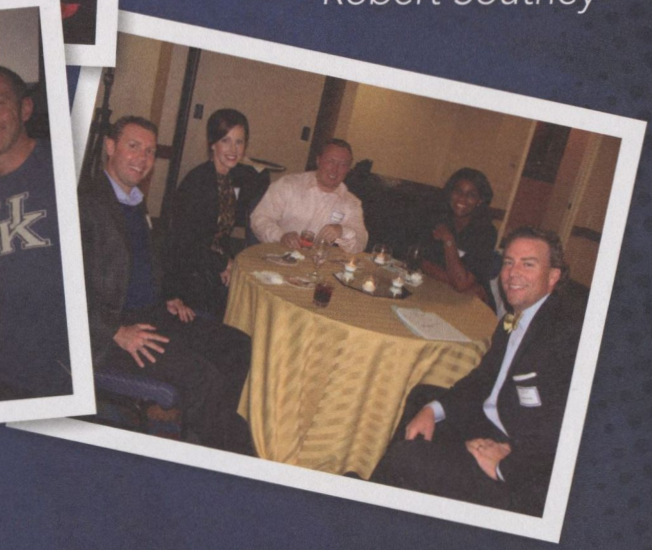
Now with the Kentucky Department of Public Advocacy, Foster handles post-conviction claims in the phase before Innocence Project. While in law school Foster said she had no idea how Innocence Project would translate into a job. She only knew it was something she felt strongly about and wanted it to be part of her law school experience. Today Foster funnels that same passion into her clients and credits Innocence Project with equipping her to play an important part in our justice system.

"The skills I developed in Innocence Project: reviewing the trial files, reviewing the court record, coming up with my own theory of the case, seeing if any additional investigation needs to be done, working with the client to see if there were any rocks left unturned, all of those skills are things that directly relate to what I'm doing now in post-conviction work," Foster said.

While high profile cases tend to focus on the national level or on the most sensational cases, justice starts in our home communities — in the 120 Kentucky counties that Foster represents. She says that her favorite part of the job is getting to discover the people in these far flung communities, eating where they eat, walking their courthouse hallways.

UK
UNIVERSITY OF
KENTUCKY
College of Law

Homecoming & Alumni Receptions



No distance of place or lapse of time can lessen the friendship of those who are thoroughly persuaded of each other's worth.

- Robert Southey

SAVE THE DATE!

October 20, 2012
Homecoming Tent Party
Commonwealth Stadium
Lexington, KY

November 13, 2012
Champions Classic Alumni Reception
STATS Restaurant and Bar – Georgia Dome
Atlanta, GA

Contact Christina Briggs (christina.briggs@uky.edu) for more information!

Alumni Hall of Fame

2012 ALUMNI AWARDS

The University of Kentucky College of Law Alumni Association recognized the following alumni at the Kentucky Bar Association Annual Convention in June:

DISTINGUISHED JURIST, for outstanding service to the legal profession, bringing honor to the profession and encouraging creative ways to deal with specific identified issues in the administration of justice.
Chief Justice John Minton, 1997

PROFESSIONAL ACHIEVEMENT, designated to recognize noteworthy accomplishment or sustained excellence in a particular area of law or other chosen profession.
Jane Allen, 1991
Rebecca White, 1981

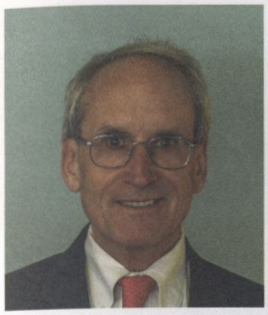
COMMUNITY SERVICE AWARD, given to a graduate who has provided outstanding leadership in his or her community, to aid and benefit causes not necessarily related to the legal profession.
Dreama Gentry, 1992

YOUNG PROFESSIONAL AWARD, given to graduates within the past 10 years who have distinguished themselves professionally.
Ben Carter, 2006
Lindsay H. Thurston, 2003

MARIE ALAGIA CULL (1979) is senior partner at Cull & Hayden, P.S.C., and she is regarded as a health care and government relations specialist. Cull has about 27 years of experience in health care law, is a frequent speaker and has a number of publications on the subject to her credit. She enjoys a great reputation in the lobbying community and for her work with members of the Kentucky state legislature and the executive branch.

Cull is a member of the Lafferty Society, the Building Campaign Committee, the Law Alumni Association (lifetime member), the Development Council and the Women in Philanthropy Leadership Council, and she is a Presidential Fellow. She and her husband established the Bill and Marie Cull Fellowship Endowment Fund to provide scholarships for law students. Her other civic engagements include service on the City of Frankfort's Urban Forestry Advisory Board, the Frankfort Salvation Army Advisory Board, a recent member of the Board of Trustees of Ursuline Campus Schools of Louisville, and vice chair of the board for Capital Ovarian Cancer Organization, Inc.

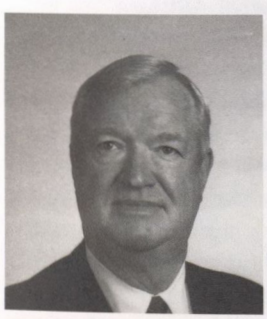
Prior to attending law school, Cull studied for a year at Oxford University and obtained her undergraduate degree at Trinity College in Washington, D.C. She is an active member of the Kentucky Bar Association with prior service on the House of Delegates and several committees. Cull is also a member of the Florida Bar Association, the American Bar Association and its Health Law Forum and the American Health Lawyers Association. She is listed in the Best Lawyers in America and Kentucky Super Lawyers. Cull lives in Frankfort with her husband, William H. Cull, a 1977 graduate of the UK College of Law.



WILLIAM "BILL" H. CULL (1977) is a veteran lawyer, investor and developer with experience in a variety of businesses, government and real estate development. His business experience included serving as general counsel and then president of Concept, Inc., once the nation's third-largest private prison company, which merged with Corrections Corporation of America. His government experience included positions as deputy counsel for Gov. Julian Carroll and Gov. John Y. Brown Jr. and general counsel in the Commerce Cabinet for Gov. Brown. His real estate development experience included developing and co-owning Microtel Inns in Kentucky and Indiana and developing residential communities in Jefferson and Shelby Counties in Kentucky.

As president of Save The Grand Theatre, Inc., Cull led the effort to preserve and restore the Grand Theatre in downtown Frankfort, beginning in the 1980s. The theater, built in 1911, was converted in 1941 to a movie theater but closed in 1965. After restoration, the Grand Theatre now provides residents with a venue for performing arts, music, film and educational opportunities for children.

Cull is a member of the Lafferty Society, the Visiting Committee, the Building Campaign Committee, the Law Alumni Association (lifetime member), and he is a Presidential Fellow. He lives in Frankfort with his wife, Maria Alagia Cull, a 1979 graduate of the College.

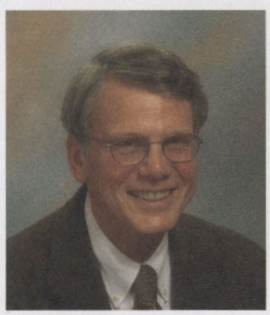


WILLIAM EDWARD JOHNSON (1957) is a partner in the law firm of Johnson, True & Guarnieri LLP, engaging in all areas of trial practice and administrative law. Johnson's numerous achievements and memberships include the following:

KBA vice president (2012–2013); KBA Board of Governors (1981–1983); chairman of the House of Delegates (1979); Association of Trial Lawyers of America, board of governors (1980–1983); Kentucky Academy of Trial Attorneys, president (1979); Franklin County Bar Association, president (1980); KACDL, president (1990); ATLA Exchange, chairman (1983); former member, Kentucky Criminal Rules Committee; former member, Kentucky Civil Rules Committee; former member, Appellate Handbook Committee; ABA Litigation Trial Practice Committee (1983–1984); KBA Litigation Committee (1988); KBA Ethics Committee (2000); Public Advocacy Commission (2002–2006); and former member, Judicial Nominating Commission. He is a fellow of the American College of Trial Lawyers (1986), American Board of Criminal Lawyers (1980), and the International Academy of Trial Lawyers (1994).

Johnson is listed in Kentucky Super Lawyers and has been continuously listed in the Best Lawyers in America since 1984. In 1991, he was the recipient of the "War Horse" award by the Southern Trial Lawyers Association, and in 1997, he was a recipient of the EKU National Alumni Association Achievement Award. Johnson was awarded the Nelson Mandela Lifetime Achievement Award by the Department of Public Advocacy in 2001.

Johnson served his country as an infantry officer, attaining the rank of captain in the United States Army. He has tried hundreds of cases to verdict in his 50-plus years as an attorney.



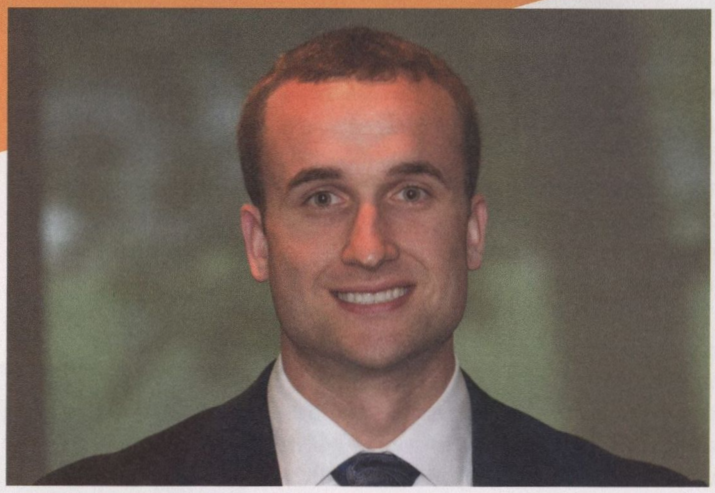
WILLIAM "BILL" H. FORTUNE (1964) practiced law for five years with the firm now known as Stites and Harbison and in 1969 joined the faculty of the College of Law. He has twice served the College of Law as associate dean, has served the University of Kentucky as academic ombud and University Senate chair, and, in partial recognition of his great service to the students of the College of Law, was honored with the University of Kentucky Great Teacher Award in 2001.

Fortune has shown unmatched commitment to some of the most crucial obligations of the legal profession. He was the first president of the Central Kentucky Legal Services Corporation, he has served as a member of Kentucky's Public Advocacy Commission, and, most importantly, he has three times taken leave from the College of Law to provide legal services to the indigent—serving two years as a federal public defender in California, two years as a federal public defender in Kentucky, and one year as an assistant public advocate in Eastern Kentucky.

Additionally, he has served the Kentucky Bar Association (KBA) as very few lawyers have ever done, as a drafter of the state's Evidence Rules, as a member of the Model Rules of Professional Conduct Committee, as counsel for the Ethics Committee of the Kentucky Judiciary, as the author of numerous books and articles on professional responsibility, and through more presentations on continuing legal education than perhaps any other Kentucky lawyer has ever made. In recognition of his service to the profession, Fortune was awarded the 2008 KBA Thomas B. Spain Award and in 2009 received from the Kentucky Supreme Court the Chief Justice's Special Service Award.

FUTURE ALUM

Gordon Mowen
Class of 2013



Tell us a little about your background.

I moved around a lot growing up. I was born in Michigan and have lived in Wisconsin, Georgia, Puerto Rico, Nebraska, West Virginia, and Kentucky. It was great getting to live in a variety of places, but something I learned by these experiences is that it's not always about where you live, but rather who you are with and what you choose to do while there that makes a place special.

I received my BA in psychology from the University of Louisville, but it took a little moving around to get there: I graduated from high school in Puerto Rico. I did not have close family in the continental United States so I took a scholarship to a small college in Nebraska (Chadron State). My dad transferred from Fort Buchanan, Puerto Rico to Fort Knox, Kentucky about a year into my studies so I transferred to the University of Louisville—my twin brother transferred to Louisville from Montana State University as well. He and I finished our undergraduate degrees together (his in sociology and mine in psychology).

When did you first become interested in law school?

My first John Grisham novel and watching reruns of Matlock as a kid—I would've been ten or eleven years old. I realize that reading a fiction book sounds like a tenuous way to end up going to law school but it's funny how little things early on in life push you towards larger milestones. Additionally, as an undergraduate student, I studied how societal goals and theories of interaction result in rules and stratification and was always curious about how these ideas connect to the laws and regulations we create—it's kind of one big social "chicken-or-the-egg" question (i.e. do we create laws to shape our behavior or is it our behavior that results in us creating laws?). That thought, in particular, was what drove me to round out my desire to attend law school.

What made you decide to come to UK Law?

I have lived in Kentucky since 2007 and have really enjoyed the Bluegrass state. I decided to attend UK Law because of the school's excellent reputation. UK Law is a great school and I have found the faculty, staff, and students to be overwhelmingly welcoming and passionate about the law and about the university. I would add that I think that there's a strong correlation between the amount of effort you put into something and the benefit you receive. UK Law has a lot to offer and it's important to take advantage of the many programs (e.g. career services helping 1Ls craft resumes and cover letters), guest speakers (Justice Thomas' recent visit), student organizations (like ACS and the Federalist Society), and other activities (like lunch with Dean Brennen) as a way to explore the law outside of a classroom.

What sorts of scholarships and awards have you been given?

I received a continuing student scholarship (the Peter Perlman scholarship) for academic performance after both my 1L and 2L year. I've done pretty well in my writing classes and earned a CALI in my Con Law class. My note (on a Fourth Amendment issue) is scheduled for publication in next year's volume of the *Kentucky Law Journal* and I have received recognition for my editing work as a staff editor on the KLJ. I am currently an articles editor. Outside of these activities, I am president of the American Constitution Society, a Student Public Interest Law Foundation officer, and a member of the Trial Advocacy Board. I am also a research assistant for Professor Douglas.

Is there a particular professor or class that has really left an impression on you?

Several of my classes have taught me to think critically and analytically about the law. My Contracts (Professor Frost) and Land Use Planning (Professor Moore) classes are great examples. Obviously, a lot of the class work revolves around memorizing the right concepts, doctrines, and important cases for that ever-important final exam. But moving beyond that, I have found that getting a great handle on the ideas and goals of those concepts can allow you to think outside the box (or at least around the edges). It's been almost two years since my Contracts class, but because the terms and doctrines in that class were more than just words with a memorized-definition—rather, they were ideas and functional theories—I have found that these concepts have stuck with me. Likewise, in Land Use Planning, we acted out a mock planning commission hearing. This was a great way to understand how key terms and ideas play-out in the real world. It put a realistic, in-your-face perspective on that area of the law that a casebook simply can't do.

What are some of your career goals? Have they changed since you started law school?

I wanted to attend law school to serve as a catalyst for social change. Society is like a lacquered surface, it's polished and glossy on the outside but when ignored or worn down, it becomes cracked and brittle. Before I started law school I wasn't sure in which area of the law this idea could truly be played out. I know now that being an advocate, whether it be in the courtroom, in mediation or any of a number of other legal settings, and making a positive impact in your client's life is an important part of bettering society. To me, this is a foundational theme of really being a lawyer. I'm excited to get out there and have an impact on the legal profession. It might sound cliché, but I sincerely hope to be successful and have a positive impact on the people I work with (and for) in whatever area of the law I settle into.

Anything else you want people to know about you?

I have a great family. My parents are teachers at Fort Knox, my twin brother, Tom, is working on his PhD in sociology at the University of Delaware, my younger brother, Steve, recently joined the Marines, and my youngest brother, Nick, just graduated high school.

ATTENTION ALUMNI!

JOB POSTINGS

University of Kentucky College of Law Career Development Office can assist you with your full-time, part-time, permanent or summer hiring needs. We can help you locate qualified students and/or attorneys. If you would like for us to post a notice of a job opening for you, we can post it for you on our password-protected website. You specify what materials you would like for the applicants to send you, such as a resume, cover letter, etc. The applicants then mail or email this information directly to you by the application deadline.

ON-CAMPUS JOB INTERVIEWS

If you are interested in interviewing students on campus, the Career Development Office can organize this for you. Employers select which students to interview; no students will be randomly assigned to you through a lottery or other system. Employers specify the application materials they would like to receive.

ALUMNI NETWORK

If you are interested in speaking on campus at a career workshop or seminar, OR serving as a UK alumni contact for law students interested in your geographic area, practice area and/or area of interest, please contact a Career Development Office employee by email or phone.

UK COLLEGE OF LAW CAREER SERVICES WEBSITE

If you would like to sign up for a campus interview, post a job or view other services offered by the Careers Development Office, visit us at www.law.uky.edu/ (please go to Careers tab) or contact one of us by email or phone:

Susan Bybee Steele,
Associate Dean of Career Development
ssteele@email.uky.edu; (859) 257-8320

Amy Collier Eason,
Director of Career Development
amy.eason@uky.edu; (859) 257-1138

Joan A. Yocum, Student Affairs Officer
jyocum@email.uky.edu; (859) 257-8959

Thank you in advance for your continued support of our students and alumni!

UNIVERSITY OF KENTUCKY
College of Law

Honor Roll of Donors

We are proud of our alumni and friends who donated almost $1,000,000 to the College of Law during the fiscal year ending June 30, 2012. Below is a listing of these donors, categorized by level of giving. Thank you to all who have contributed!

‡ Indicates Visiting Committee Member
* Indicates UK Law Alumni Association Member
† Indicates UK Law Faculty or Staff

$25,000+
Annonymous
Annonymous
The Honorable William S. Cooper
Gary C. Johnson, PSC
Kentucky IOLTA Fund of the Kentucky Bar Foundation
Sturgill, Turner, Barker & Moloney, PLLC
Mr. Tim Taylor
US District Court - ED KY

$10,000-$24,999
American Bar Association
Mr. Michael E. Baker
CompEd, Inc.
GE Foundation
Mr. and Mrs. Gayle W. Herndon
Mr. Bryan K. Johnson
Kentucky Bar Foundation
Lexis-Nexis
Lillian Goldman Charitable Trust
Mr. and Mrs. M. Austin Mehr
Ms. Kathleen D. Patterson ‡
Mr. Paul L. Reynolds ‡
Mr. William T. Robinson III ‡

$5,000-$9,999
Mr. Gary O. Bruce
Mrs. Ruth H. Baxter and Mr. James M. Crawford
Deloitte Foundation
Frost Brown Todd LLC
Mr. James G. Harralson
Inez Deposit Bank
Landrum & Shouse
Mr. Charles J. Lavelle
Mr. Donald F. Mintmire
Reynolds Family Foundation
Mr. James E. Rogers, Jr. ‡
Mr. Michael A. Rowady
Mr. Paul A. Saffer
SC Johnson Wax Fund, Inc.
Ms. Paula J. Shives ‡
Stoll Keenon Ogden PLLC

$2,500-$4,999
AT&T Foundation
Darden Restaurants, Inc. Foundation
The Duke Energy Foundation
Professor William H. Fortune †
Fowler, Measle and Bell
Golden & Walters PLLC
Mrs. Barbara W. Jones
Mrs. Taft McKinstry ‡
MEPAC Match Program
Mr. Carroll M. Redford III
The Honorable Julia K. Tackett
Mr. William R. Thomas
United Way of the Bluegrass
Mr. Burton A. Washburn III

$1,000-$2,499
Professor Richard C. Ausness †
Ms. Anita M. Britton and Mr. Stuart Bennett
Dean David A. and Ms. Kimberly Turner Brennen †
Mr. Ronald K. Bruce
Bryant Law Center PSC
Professor Rutheford B. Campbell, Jr. †
Mr. J. Larry Cashen
Ms. Janis E. Clark*
Mr. Richard H. C. Clay
Mr. Reford H. Coleman
Mr. Robert P. Combs
Mr. Robert H. Cornett
Mr. D. Michael Coyle
Mr. R.E. Davis
Mr. William G. Deatherage, Jr.
Col. Gordon B. Finley, Jr. USAF Ret.
Mr. William G. Francis ‡
Frost Brown Todd LLC
Mr. James W. Gearheart
The Honorable Joseph R. Goeke
Mr. and Mrs. G. Dan Griffith
Mr. Kevin J. Hable
Michael & Beverly Jenkins Harrison*
Mr. Thomas K. Herren
The Honorable Joseph M. Hood
Mr. and Mrs. Chuck Jones
Mr. L. Dan Key
Mr. F. Craig LaRocca
Mr. Abhay D. Lele
Mr. Kurt Maier
Mr. Timothy L. Mauldin
Mr. and Mrs. Walter E. May
The Honorable Mitch McConnell ‡
Mr. John T. McGarvey ‡ †
Mr. John G. McNeill
Mr. Charles C. Mihalek
The Honorable Mary C. Noble ‡
Northern Kentucky University
Mr. Peter Perlman ‡
Mr. and Mrs. John W. Phillips
Mr. John G. Prather, Jr. JD
Ms. Nancy T. Ray
Mr. Calvert T. Roszell, Jr.
Mr. Stephen M. Ruschell ‡
Mr. Jason Thomas Sauer
Mr. Phillip D. Scott
Mr. Richard D. Siegel
Mr. and Mrs. Leslie C. Smith
Stites & Harbison
Mr. John C. Tackett
The Honorable and Mrs. Daniel J. Venters
Mr. and Mrs. Alex Waldrop
Mr. Robert M. Watt III
Mr. J. Kendrick Wells III
Mr. J. Michael Wilder
Wyatt, Tarrant & Combs

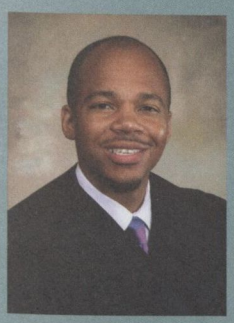
$500-$999
Aon Corporation
Mrs. Margaret M. Barker
Blevins Law, PLLC
Mr. C. R. Bowles Jr.
Mr. Mark P. Bryant ‡
Mr. and Mrs. James L. Childress
Mr. William E. Davis
DelCotto Law Group PLLC
Ms. Emily M. Dorisio
Ms. Diana K. Frederic
Goodrum & Downs, PLLC
Ms. Karen J. Greenwell
Mr. James E. Hargrove
Mr. Kevin G. Henry
Dr. John C. Hunsaker III
Ms. Wendy C. Hyland
The Honorable Paul F. Isaacs
Jackson Kelly PLLC
Mr. Paul R. Keen
Law Alumni Association
Professor Robert G. Lawson †
Mr. Milton M. Livingston, Jr.
Mr. and Mrs. Andrew M. McCarthy
Mr. Douglas L. McSwain
Mr. C. Randall Michel
Mr. and Mrs. Jeffrey Mobley
National Christian Foundation Kentucky
Mr. Mark R. Overstreet
Mrs. Carol M. Palmore
Spooner Phillips
Mr. Doug Quillen
Reinhardt & Associates, PLC
Judge Janis H. Reynolds
Mr. Troy D. Reynolds
Ms. Marcia M. Ridings ‡
The Honorable Edwin B. Ropp
Mr. Phillip G. Royalty
Schwab Charitable Fund
Skadden, Arps, Slate, Meagher & Flom
Mr. Ralph P. Stevens
Mr. Wesley B. Tailor
Mr. A. Michael Tucker
Ms. Kathleen E. Voelker
Ward, Hocker & Thornton, PLLC

$250-$499
Mr. William J. Baird III
Baker Iron & Metal Company, Inc.
Mr. Joe C. Baker
Mr. Stephen L. Barker
Mr. Bennett E. Bayer
Mr. Gerald E. Benzinger
Mr. Larry S. Blair
Blanchard & Associates
Dr. Jonathan Blanchard
Borg-Warner Foundation
Mr. James C. Botts
Dr. Ralph E. Bouvette
Mr. David T. Bradford
Mr. Gorman J. Bradley
Mr. William C. Brafford
Mr. John P. Brice
Mr. David A. Brill
Mr. Larry S. Buckendorf
Mr. Morris E. Burton
Champion Trace Golf Club
Chevron Humankind
Mr. Steven E. Clifton
Mr. Marvin L. Coan
Mr. Thomas M. Cooper
Mr. and Mrs. Jonathan E. Copley
The Honorable Roger L. Crittenden
Cumberland Valley National Bank & Trust
Ms. Mary J. Davis †
Mr. Thomas G. Eagle
Mr. W. Blaine Early III PhD
English, Lucas, Priest & Owsley
Mr. David C. Fannin
Fidelity Charitable Gift Fund
Mr. Richard L. Frymire, Jr.
Mr. Paul C. Galanides
Mr. John A. Gardner
Mr. C. Edward Glasscock ‡
Goldberg Simpson LLC
Elisabeth and Alvin Goldman †
Mr. Kerry B. Harvey
Mr. Kent Hatfield
Mr. James Hite Hays
Mr. Gerald O. Henderson Jr.

Hilary J. Boone Center
Mrs. Andrea R. Hilliard
Ms. M. Holliday Hopkins
Mr. John G. Irvin Jr.
Mr. Gregory K. Jenkins
Mr. Nicholas W. Johnson
Mr. Shawn R. Johnson
Mr. William E. Johnson
Professor Thomas L. Jones
Ms. Laura D. Keller
Mrs. Melanie J. Kilpatrick
Mr. Shelby C. Kinkead, Jr.
Mr. Henry E. Kinser
Mr. David V. Kramer, Esq.
Mr. Paul L. Lamb
Ms. Nancy B. Loucks
Mr. Gregory J. Lunn
Mr. Richard H. Mains
Marathon Oil Company
McBrayer, McGinnis, Leslie & Kirkland
Mr. and Mrs. Andrew C. Meko
Ms. Lori Lynn Menshouse
Mr. Winston E. Miller
Mr. Donald P. Moloney II
Mr. Phillip M. Moloney
Mr. Gregory L. Monge
Mr. Geoffrey R. Morgan
The Honorable Christopher Shea Nickell
Mrs. Elizabeth A. Noyes-Palmer
Mr. Dan L. Owens
The Honorable Phillip Patton
Mr. Tom Prewitt
Mr. Charles M. Pritchett Jr.
Procter & Gamble Co.
Mr. John T. Reed
Mr. William J. Reik, Jr. ‡
Mr. George E. Roeder III
Mr. J. David Rosenberg
Ms. Katherine Gail Russell ‡
Mr. Kenneth R. Sagan
Mr. David B. Sebree
Serif Group Creative Marketing Agency
Mr. Peter J. Sewell
Mr. Billy R. Shelton
Mr. David Terrell Sherman
Mrs. Bobbi J. Silver
Southern Star Central Gas Pipeline, Inc.
Southland Printing
Mr. David Sparks
Mr. E. Douglas Stephan
Stidham & Associates, P.S.C.
Stites & Harbison
Mr. Alec G. Stone
Ms. Jillian Martha Suwanski*
Mr. Jeffrey S. Theuer
Mr. Wesley R. Tipton
Mr. Darby Turner ‡
Mr. Gardner L. Turner
The Honorable Gregory F. Van Tatenhove
Mr. Rick A. Vance
Mr. Theodore B. Walter
Mr. and Mrs. Christopher B. Walther
Mr. T. Morgan Ward Jr.
Mr. Roy D. Wasson
Mr. Kevin W. Weaver
Mr. Trevor W. Wells
Dean Rebecca H. White
Mr. Anthony M. Wilhoit
Mr. Timothy J. Wilson
Rep. Brent Yonts

$100-$249

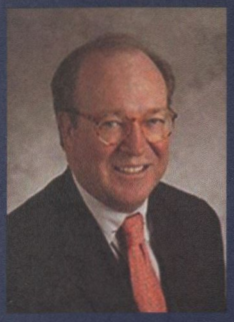
Judge Edwin P. Abell
The Honorable Glenn Acree
Mr. Eldred E. Adams Jr.
Judge John R. Adams
Judge Julia H. Adams
Ms. Katherine A. Adams
Mr. Wael Mohammad Ahmad
Mr. Richard M. Allen
Mr. Ricky G. Alsip
Mr. Stephen G. Amato
Mr. David W. Anderson
Mr. Richard E. Anderson
Mrs. Kathryn P. Arterberry
Mr. David E. Arvin
Ashland Inc.
Mr. Larry D. Ashlock
Ms. Anna M. Bacon-Tinsley
Mr. Glen S. Bagby †
Ms. Brandy Fulkerson Baird
Mr. Michael D. Baker
Mr. Russell J. Baldani
Ms. Margaret Barker
Mr. Stephen Barnes
Mr. James W. Barnett
Mr. Kent H. Barnett †
Mr. Gary W. Barr
The Honorable Gregory M. Bartlett
Mr. Robert E. Bathalter
Mr. Michael R. Beiting
Mr. Perry M. Bentley †
Mr. A. F. Berry, Jr.
Mr. Mitchell Berryman
Mr. Henry J. Bevel III
Bingham Greenebaum Doll
Bluegrass Hospitality Group
Ms. Sandra A. Bolin
Mr. Thomas C. Bondurant
Mr. Brian Borellis
Boyd Law Office PSC
Mr. C. Craig Bradley Jr.
Mr. Matt W. Breetz
Mr. Douglas F. Brent
Mr. J. Leland Brewster II
Mr. Lloyd D. Bright
Mr. Michael V. Brodarick
Ms. Carolyn M. Brown
Mr. Larry D. Brown
Ms. Martha L. Brown
Mr. Robert C. Brown
Mr. Mark W. Browning
Ms. Elizabeth K. Broyles
Mr. Larry G. Bryson
Buffalo Trace Distillery
The Honorable Kimberly N. Bunnell
Mr. John Burrell
Mr. Robert J. Busse
Mr. Patrick G. Byrne
Mr. William T. Cain
Mr. Paul B. Calico
Mr. Robert A. Calinoff
Mr. Mel Camenisch
Mr. Joe B. Campbell ‡
Mr. Thomas L. Canary Jr.
Mr. Deno C. Capello, Jr.
The Honorable Michael O. Caperton
Mr. Wayne J. Carroll
Mr. Nick Carter
Mrs. Jessica K. Case
Mr. J. Peter Cassidy III Esq.
Mrs. Tracy A. Cassinelli
Mr. Charles H. Cassis*
Mr. Robert L. Caummisar
Judge Tommy W. Chandler
Mr. Joe F. Childers, Jr.
Ms. Susan Chun
Mr. James W. Clay
Mr. Larry W. Cleveland
Ms. Karen L. Cocke
Mr. Timothy R. Coleman
Mr. John C. Collins
Mr. Guy R. Colson
Ms. Kelsey Ann Colvin
Ms. Valerie Nestor Colvin
Ms. Davalene Cooper
The Cornett Law Firm PSC
Mr. Ronald Eric Cornett
Mr. Roger R. Cowden
Mr. Craig Cox
Mr. Charles W. Curry
Mrs. Marilyn S. Daniel
Mr. Michael Davidson
Ms. Eleanor Mayhew Davis
Mr. S. Joseph Dawahare
Mr. Joseph M. Day
Ms. Wanda R. Delaplane



We give to the College of Law...

"... and direct that our monies be used for the benefit of the Black Law Students Association, because there were folks who helped us when we were in law school. We want to give back to help those students who will someday further diversify the legal profession."

– Honorable Brian C. Edwards, 1996 and Angela Logan Edwards, 1994



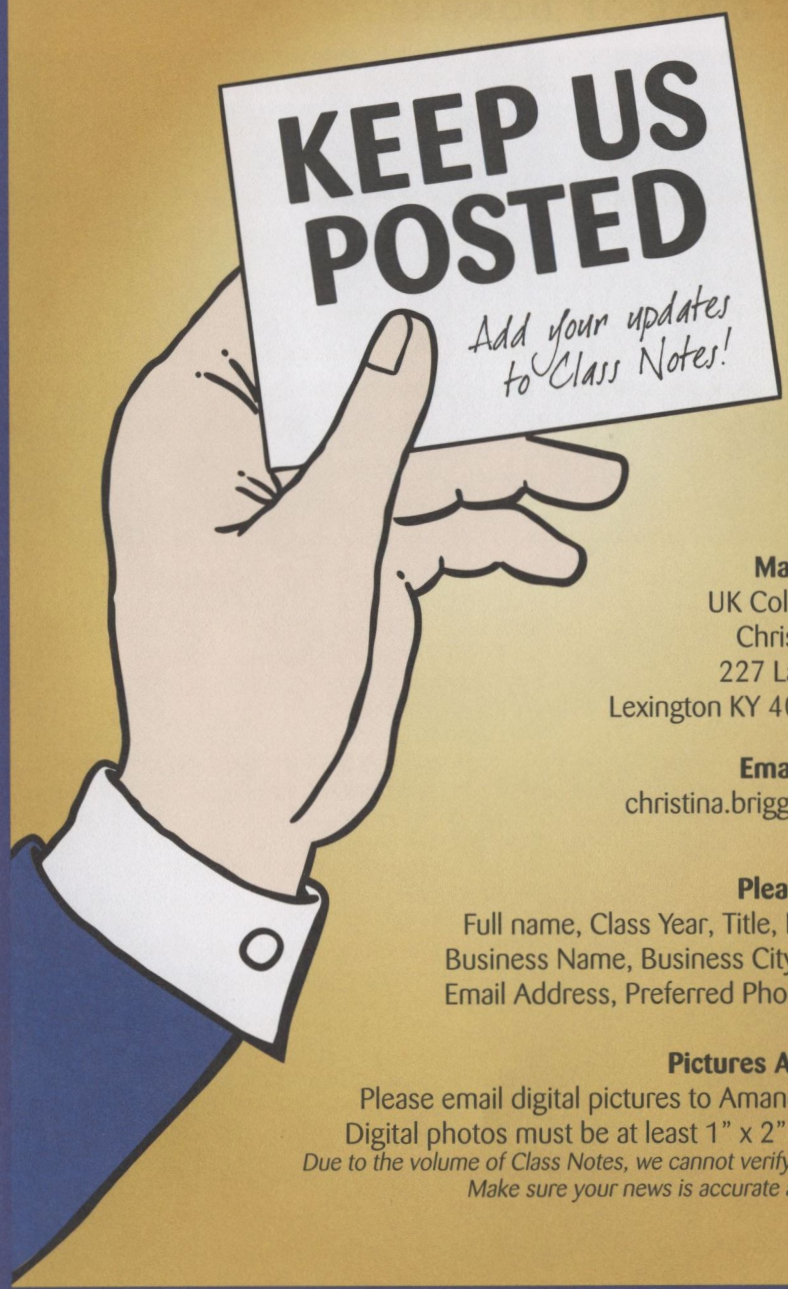
I give to the College of Law...

"... because I recognize that all that I am professionally is the result of the education I received at the College. I view it as the rent to be paid for the place I have been fortunate enough to occupy in this great profession."

Bill Garmer, 1975

Mrs. Laura D. DelCotto
Mr. Andrew D. DeSimone
Judge Benjamin L. Dickinson
Ms. Vanessa Dickson
Mr. Steven W. Dills
Mr. William M. Dishman Jr.
Ms. Wanda A. Dotson
Mr. James R. Downey
Mr. Howard N. Downing
Mr. Donald Duff
Ms. Amy Rebecca Duncliffe
Mr. J. Kent Dunlap
Mr. Whitney Dunlap, III
Mr. Cecil F. Dunn
Mr. Benjamin G. Dusing
Mr. James A. Earhart
Ms. Amy C. Eason †
Mr. Robert G. Edmiston
Mrs. Angela L. Edwards ‡
Mr. Marshall P. Eldred Jr.
Mr. William P. Emrick
Mr. David T. Enlow
Dr. Michael F. Eubanks
Mr. William C. Evans
Mr. Ross Thomas Ewing
Mr. E. Lambert Farmer, Jr.
Mr. Jo M. Ferguson
Mr. Brian R. Fleming
Ms. Betty Foley
Mr. Mark L. Ford
Foundation for the Tri-State Community, Inc.
Four Roses Distillery
Mr. Charles D. Franck
Mr. Douglas C. Franck
Mr. David A. Franklin
Mr. James M. Frazer
Mr. Calvin R. Fulkerson
Mr. C. Patrick Fulton
Mr. David A. Futscher
Mr. James W. Gardner
Mr. Woodford L. Gardner Jr.
Mr. John T. Garrett
Mr. Roger A. Gibbs
Mr. William H. Gorin
Mr. W. Clarke Gormley
Mrs. Jane E. Graham
Ms. Carolyn Ann Greene
Mr. Robert J. Greene
Mr. Richard G. Griffith
Mr. James P. Grohmann
Mr. John G. Grohmann
Ms. Sharon Elizabeth Gronotte
Mr. Asa P. Gullett III
Mr. Patrick J. Haas, Jr.
Mr. William H. Haden Jr.
Mr. William R. Hagan
Mr. Matthew R. Hall
Mrs. Whitney M. Harmon
Mr. Norman E. Harned
Mr. William R. Harris Jr.
Mr. William G. Hart, Jr.
Mr. M. Lane Harvey
Mr. Richard W. Hay
Mrs. Marian J. Hayden
Mr. K. Gregory Haynes
Mr. Mark E. Heath
Mr. Dale W. Henley
Mr. G. Edward Henry II †
The Honorable John G. Heyburn II
Mr. Morton M. Hoagland
Mr. and Mrs. Charles R. Holbrook III
Mr. Stephen S. Holmes
Mrs. Theresa L. Watters Holmes
Ms. Mary B. Horvay-Hicks
Mr. Stephen A. Houston
Mr. James E. Howard
The Honorable J. William Howerton
Mr. W. Bryan Hudson
Mrs. Carolyn C. Huellemeier
Mr. Theodore S. Hutchins
Mr. Douglas S. Hynden
Mr. Arthur W. Iler
Mr. Jay E. Ingle
Mr. Hanly A. Ingram
Mr. Lindsey Wood Ingram III
The Honorable Sheila R. Isaac
Mr. and Mrs. Franklin K. Jelsma
Mr. Brian M. Johnson
Mr. J. B. Johnson Jr.
Judge Ron Johnson
Mr. Stephen R. Johnson
Mr. Richard M. Joiner
Mr. Charles E. Jones
Mr. Mark M. Jones
Mr. William R. Jones
Mr. Frederick D. Karp
Mr. Louis A. Kawaja
Keeneland
Ms. Anne P. Keeton
Mr. J. Clarke Keller
Mr. James E. Keller
Mr. Robert W. Kellerman
Mrs. Alison Kelly
Mr. William D. Kemper*
Ms. Susan S. Kennedy
Mr. Thomas N. Kerrick
Mr. James R. Kessinger
K-FUND
Mrs. Lanna M. Kilgore
Mr. Daniel King III
Mr. Sidney C. Kinkead Jr.
Mrs. Victoria S. Kinzy
Mr. William B. Kirk Jr.
Mrs. Maria G. Klyza
Mrs. Deborah A. Knox
Ms. Debra H. Lambert
Mrs. Michelle C. Landers*
Mr. Michael L. Larson
Mrs. Leigh Gross Latherow
Mr. James D. Lawson
Mr. Gregory A. Lay
Mr. William Lear, Jr.‡
Mr. Todd E. Leatherman
Mr. R. David Lester
Mr. James Levin
Mr. James W. Litsey
Mr. Thomas L. Lockridge
Mr. J. Paul Long Jr.
Ms. Jane Broadwater Long
Mr. Samuel C. Long
Mr. Timothy K. Lowe
Ms. Gail Luhn
Mr. James D. Lyon
Mr. James R. Lyons Jr.
Mr. Armer H. Mahan Jr.
Mr. John J. Maher
Mr. and Mrs. Richard Major, Jr.
Judge Calvin N. Manis
Ms. Kara R. Marino
Mr. Thomas C. Marks
Mr. Earl F. Martin III
Mr. David A. Marye
Mr. Harry L. Mathison Jr.
Mr. Charles C. Mattingly III
Mr. William H. McCann
Mr. Frank H. McCartney
Mr. Michael E. McCarty
Judge Susan W. McClure
Mr. Charles R. McCollom
Ms. Lauren M. McElroy
Mr. Roderick Messer
Mr. Caywood Metcalf
Mr. John D. Meyers
Mr. James M. Miller
Mr. Mark T. Miller
Mr. Stephen L. Miller
Mr. Thomas W. Miller
Mr. Stephen D. Milner*
Mr. James H. Moore III
Mr. Russell B. Morgan
Mr. Donald W. Mosser
Mr. Robert N. Mumaw
Ms. Deborah Murphey
Mr. Richard V. Murphy
Mr. Joe Myers
Mr. Peter J. Naake
Robert D. Neace
Mr. John A. Nefzger
Ms. Leslie M. Newman
Mr. William B. Norment Jr.
Mr. David Y. Olinger Jr. ‡
Mr. D. Bruce Orwin
Mr. Robert B. Overstreet
Mr. Carl R. Page
Mrs. Bridget Papalia
Mr. Jeffrey D. Paquin
Mr. Andrew R. Park
Mr. Gregory P. Parsons
Mr. William R. Patterson Jr.
Mr. Robert C. Patton
Mr. James F. Paxton
Mrs. Julie C. Payne
Mr. D. Gaines Penn
Mrs. Jane C. Pepper
Mr. Roger L. Peterman
Mrs. Lucy A. Pett
Mrs. Susan O. Phillips
Mr. Walter Pitio
Mr. Timothy H. Pogue
Mr. Joseph P. Pons Jr.
Mrs. Margaret A. Popp Murphy
Ms. Leona A. Power
Mr. David F. Pratt
Mr. John D. Preston
Ms. Stephanie H. Prewitt

Mr. David E. Price
Mrs. Janet C. Raider
Mr. Murry A. Raines
Mrs. Martha D. Rausch
Mr. David W. Regan
Mr. Ronald C. Reinhardt
Mrs. Ann C. Render
Mr. Timothy R. Renfroe
Mr. Leslie E. Renkey
Mr. Christopher L. Rhoads
Mr. H. H. Rice Jr.
Mr. H. Hamilton Rice III
Mr. Scott Richardson
Mr. Mark S. Riddle
Mr. Brian C. Rieger
Mr. Kendrick R. Riggs
Mr. Roger T. Rigney
Mr. Gayle B. Robbins
Mr. Colin W. Roberts
Mr. Marcus A. Roland
Ms. Camille Desiree Rorer
Mr. Michael P. Rowland
Mr. David H. Rue
Mrs. Ashley S. Rusher
Mr. Harold F. Salsbery Jr.
Ms. Ann E. Samani
Mr. James S. Sanders
Mr. Richard A. Sanks
Mr. Scott A. Schisler
Dr. George D. Schrader
Mr. W. Fletcher M. Schrock
Justice Wil Schroder*
Mr. William S. Schulten
The Honorable Joseph M. Scott, Jr.
Mr. David W. Seewer
Mr. Barry S. Settles
Mr. Daniel E. Shanahan
Ms. Jennifer H. Sheehan
Ms. Elizabeth W. Sigler
Mr. W. Kennedy Simpson
Mr. Thomas L. Skalmoski
Mr. Floyd A. Skeans
Mrs. Kif Harward Skidmore
Ms. Barbara B. Sledd
Snell & Wilmer L.L.P.
Mr. Sheryl G. Snyder
Mr. Gene A. Stewart
Mr. Raymond J. Stewart
Mr. John H. Stites III
The Honorable David T. Stosberg
Mr. Marvin W. Suit
Mr. C. William Swinford, Jr.
Mr. John L. Tackett
Talon Winery & Vineyard
Mr. Arnold S. Taylor
Mr. Gregory L. Taylor
Mr. Joseph H. Terry
Mr. and Mrs. Randy S. Thomas
Mrs. Elizabeth Lee Thompson
Mr. Mark A. Thurmond
Mr. Jeffery R. Tipton
Torok Law Office PLLC
Mr. Greg T. Torok
Mr. W. Waverley Townes



Mail Updates:
UK College of Law
Christina Briggs
227 Law Building
Lexington KY 40506-0048

Email Updates:
christina.briggs@uky.edu

Please Include:
Full name, Class Year, Title, Law Office/ Business Name, Business City and State, Email Address, Preferred Phone Number

Pictures Appreciated
Please email digital pictures to Amanda DeBord. Digital photos must be at least 1" x 2" at 300 dpi.
Due to the volume of Class Notes, we cannot verify submissions. Make sure your news is accurate and complete.

Your time in law school helped guide your future. Now is your time to help guide the future of your law school.

UK
UNIVERSITY OF KENTUCKY
Law Alumni Association

Join the UK Law Alumni Association today!
Visit www.law.uky.edu/alumniassociation or contact Christina Briggs at 859-257-3103, or christina.briggs@uky.edu.

I give to the College of Law...

"... because as a new graduate, I know how important it is that my school continues to be regarded as a place to receive an excellent legal education. In my new home, Washington, D.C., I want my peers to know what a great school UK College of Law is and will continue to be."

E. Whitley Herndon, 2010

Mrs. Kathryn E. Townsend
Mr. Frank Trusty II
Mr. John R. Tucker
Mr. Walter W. Turner
UK Federal Credit Union
Mr. Palmer G. Vance II
Mr. Robert D. Vance
Ms. Susannah Clayton Vance
Verizon Foundation
Mr. Robert B. Vice
Mr. Gregory R. Vincent
Mrs. Tracey G. Vinson
Mr. Donald G. Walton, Jr.
Mrs. Melanie M. Warren
Mr. John P. Watz
The Honorable J. Gregory Wehrman
Mrs. Alison Wells
Wendling Printing
Mr. William C. Wessell
Mr. Linsey W. West
Mr. Richard A. Whitaker
Mr. Sidney N. White
Mr. Reginald E. Wilcox
Mrs. Lillian D. Williams
Mr. Judge B. Wilson II
Ms. Melissa A. Wilson
Mr. Michael G. Wilson
Mr. Robert A. Wohn Jr.
Mr. Robert K. Wood
Mr. Clarence A. Woodall III
Mr. Jeffrey A. Woods
Ms. Stephanie M. Wurdock
Dr. Jason Lee Yewell
Mr. James A. Zerhusen

$0-$99

Mr. James W. Addington
Judge John T. Alexander
Mr. Charles E. Allen
Mrs. Jackie Allshouse-Hutchens
Mr. Thomas W. Amann
Mr. Phillip M. Armstrong
Mr. Steve R. Armstrong
Mr. Donald L. Asfahl
Mr. Fred S. Bachmeyer
Mr. Roy W. Bachmeyer Jr.
Mrs. Maggi F. Bailey
Mr. Robert R. Baker
Mr. Darrin W. Banks
Mr. and Mrs. Rick L. Bartley
Mr. Bryan H. Beauman
Mr. James G. Becker
Mrs. Regina R. Beckman
Mr. J. T. Begley
Mr. Gerald L. Bell
Mr. Stan Billingsley
Billy's Bar-B-Q
Ms. Kathleen M. Binder
Mrs. Margaret E. Bird
Mr. Bruce E. Blackburn
Mr. Fred W. Bond
Mr. Anthony F. Bonner, Jr.
Mr. Carl B. Boyd Jr.
Mr. James E. Boyd
Mr. Bruce S. Boyer
Mrs. M. Susan Brammer
The Honorable Chas J. Brannen
Mr. Carl W. Breeding
Ms. Jouett Kinney Brenzel
Mr. Robert M. Brewer
Mr. Joseph L. Brinkley
Mr. Scott M. Brown
Mr. Randall E. Bruce
Mr. Thomas H. Burnett
Mr. David Samuel Burnstein
Mr. Jared M. Campbell
Mr. Stanley Carter
Mr. Matthew H. Chandler
Mr. Lloyd C. Chatfield
Mrs. Donna A. Chu
Mr. J. Kirk Clarke
Mr. Charles D. Cole
Mr. James R. Coltharp, Jr.
Mr. Travis Combs Jr.
Commonwealth of Kentucky
Ms. Allison I. Connelly †
Mr. James B. Cooper
Mr. J. Gregory Cornett
Corning Incorporated Foundation
Mr. Bradford L. Cowgill, Sr.
Mr. John M. Coy
Mr. James E. Craig
Mr. Ben Crittenden
Ms. Laura Shannon Crittenden*
Mr. Charles L. Cunningham, Jr.
Mr. David L. Curtis
Mr. Hugh F. Daly
Ms. Christi L. Dame
The Honorable Hunter Daugherty
Mr. and Mrs. Brendan Russell Daugherty
Ms. Jenifer A. Daunhauer
Mr. Richard M. Davis
Mr. William S. Dean
Ms. Mandy Wilson Decker
Mr. Carl D. Devine
Mr. Judson F. Devlin
Mr. William R. Dexter
Mr. Kevin C. Dicken
Mr. Robert D. Dilts
Mr. Charles L. Douglas, Jr.
Mr. Sidney B. Douglass, II
Ms. Bridget L. Dunaway, Esq.
Mrs. Kathryn Dutton-Mitchell
Mr. Lloyd R. Edens
Mr. Ryan Christian Edwards
Mr. Mark D. Esterle
Mr. Danny Evans
Mr. Richard L. Fain
Mr. Frank J. Faraci
Ms. Elizabeth S. Feamster
Mr. Bill H. Flynn
Mr. John C. Fogle III
Mr. Robert Hughes Foree
Mr. Jack D. Fowler
Ms. Margaret M. Frisbie
Mr. Roy Fugitt
Mrs. Katherine S. Gallagher
Mr. Brian C. Gardner
Mr. John D. Gay
Mr. Matt Gillies
Mr. Peter J. Glauber
Mr. E. Robert Goebel
Mr. Michael A. Goforth
Mr. Steve Gold
Dr. James W. Gordon
Mr. Tyson Gorman
Mr. Mark E. Gormley
Mr. Lee W. Grace
Mr. J. Carter Gray
Mr. Trey Grayson
Judge Henry M. Griffin, III
Mr. Phillip B. Gross
Ms. Lisa C. Guffey
Mr. William J. Haberstroh
Mrs. Laura M. Hagan
Mr. John D. Hale
Mr. Thomas L. Hall
Mr. and Mrs. Earl F. Hamm*
Mr. Michael J. Hammons
Mr. Thomas V. Handy
Mr. Randall L. Hardesty
Mr. Alan L. Harrington
Mr. C. Edward Hastie
Mr. Benjamin W. Hawes Jr.
Mr. Jeremy A. Hayden
Heaven Hill Distilleries
Mr. Farmer Helton
Mrs. Laura Hendrix
Ms. Whitley Herndon
Mr. Christopher M. Hill
Ms. M. Gabrielle Hils
Mr. J. Chris Hopgood
Ms. Erica L. Horn
Mr. William A. Hoskins III
Mr. John Douglas Hubbard
Mr. Joseph D. Hudson
Mr. David L. Huff
Ms. Linda L. Huston
Mr. Cliff M. Iler
J. M. Smucker LLC
Joe Bologna Restaurant
Mr. David E. Johnson
Mr. Joseph R. Johnson
Dr. Lydia M. Johnson
Ms. Anne E. Keating
Kentucky Horse Park
Judge W. David King
Mr. W. Gregory King

Mr. H. Elvin Knight, Jr.
Ms. Barbara Ann Kriz
Mr. William D. Lambert III
Mrs. Melinda A. Laslie
Mr. Wade C. Lawson
Ms. Margaret Young Levi
Ms. Eva Christine Lewis ‡*
Lexington Convention and Visitors Bureau
Mr. Robert Y. Link
Mr. Gary A. Little
Mr. David E. Longenecker
Mrs. Kathy R. Mangeot
Mr. Larry H. Marshall
Mr. Timothy W. Martin
Mr. Dale K. Marvin
Mr. Richard W. Mattson
Mr. Wallace H. Mayton, III
Mrs. Anne W. McAfee
Mrs. Susan H. McCain
Mrs. JoEllen S. McComb
Ms. Charlotte Turner McCoy
Mr. D. Chad McCoy
Ms. Laura Marie McDaniel
Mr. Thomas G. McIntosh
Mrs. Elizabeth M. McKenzie
Ms. Elizabeth J. McKinney
Mr. Zachary Daniel McMillan
Doug Mefford
Sara Metcalf-Garcia
MetLife
Mr. Andrew Millar
Mr. Ellis Y. Miller, JD
Mr. George J. Miller
Mr. Burton Milward, Jr.
Mr. Andrew Martin Mitchell
Mr. Kirk B. Moberley, Jr.
Mr. Charles D. Moore, Jr.
Ms. Karen S. Moore
Mr. Tebbs S. Moore
Mr. Mark L. Morgan
Mrs. Nancy T. Mullen
Mr. Daniel E. Murner
Mr. Daniel P. Murphy, Jr. †
Mr. Donnie R. Murray
Ms. Anne E. Nash and Mr. Tom Newton
Mr. Thomas E. Neal
Mr. James R. Nein
Ms. Terri L. Neufeld
Mr. K. Sidney Neuman
Dr. Jamie C. Nicholson
Ms. Martha Riker Nicol
Mrs. Patricia H. Nitchie
Mr. Kevin M. Noland
Mr. James G. Noll
Mr. Jonathan R. Norris
Mr. Randall E. Norris
Mrs. Janet M. Norton
Mr. Dennis L. Null, Jr.
Mr. Patrick E. O'Neill
Mr. M. Todd Osterloh
Ms. Carol B. Paisley
Mr. Jason Dwayne Parman
The Honorable Mary W. Phelps
Phillips, Moore, & Huston, PSC
Mr. R. Joseph Phillips III
Portofino
Ms. Heidi Schultz Powers
Ms. Nicola Ai Ling Prall
Mr. Hance Price
Ms. Julie Howard Price
Ms. Linda R. Rego
Mr. William N. Reynolds
Mr. John R. Rhorer Jr.
Mr. Scott T. Rickman
Mr. C. Nicholas Ring
Mr. Calvin Ray Robinson
Mr. Mark A. Rouse
Mr. Scott Safford
Mr. Thomas C. Sager
Mr. Walter L. Sales
Mrs. Emily K. Saling
Mr. Joshua M. Salsburey
Ms. Betty Moore Sandler
Ms. Kay K. Schafer
Ms. Katherine N. Scheser
Mr. Steven C. Schletker
Mr. J. Key Schoen
Mrs. Carole C. Schriefer
Mr. Robert J. Schroder
Mr. Joshua Lee Searcy
Mr. Thomas L. Self
Mr. Nelson E. Shafer
Mr. William K. Shannon
Ms. Ellen Sharp
Ms. Lori B. Shelburne
Mr. James W. Shepherd Jr.
Dr. Walker E. Sloan
Mr. Kerry D. Smith
Ms. Cathy F. Spalding
Mr. Albert W. Spenard
The Honorable Richard G. Spicer
Mr. John M. Spires
Mr. W. Patrick Stallard
Ms. Mary A. Stephens
Mr. Richard C. Stephenson
Mr. and Mrs. Clay M. Stevens
Mr. Robert C. Stilz III
Mr. R. Bruce Stith III
Mr. Jason V. Stitt
Mr. Stephen P. Stoltz
Mr. E. Frederick Straub, Jr.
Mr. Stephen R. Streich
Ms. Shannon Stuart-Smith
Mr. Michael C. Surrey
Mr. Robert L. Swisher
Mr. Philip Taliaferro, III
Ms. Sarah Tankersley
The Honorable A. Bailey Taylor
The Honorable James B. Todd
Mr. E. Kirk Tolle
Ms. Holly L. Tomchey
Ms. Noelle Holladay True*
Mr. Emanuel C. Turner
Mrs. Virginia H. Underwood
Ms. Rosemary H. Vance
Ms. Sara Christine Veeneman
Mrs. Ann C. Villier
Mrs. Judith A. Villines, Esq.
Mr. Kenneth L. Wagner
Mr. Norrie Wake
Mr. Richard L. Walter
Mr. Charles E. Ward
Mr. Stuart E. Warren
Mr. Herbert T. West
Ms. Patricia B. Westfall
Barbara Maines Whaley
Mr. Michael C. White
Mr. Hunter B. Whitesell Sr.
Mr. Leslie G. Whitmer
Wild Turkey Distillery
Ms. Tiffany Jill Williams
Ms. Jennifer K. Wills
Mr. Bunyan S. Wilson Jr.
Mr. Chappell R. Wilson
Mr. David T. Wilson, II
Mrs. Melinda G. Wilson
Mr. Thomas D. Wingate
Mrs. Molly Hyland Wolfram
Mr. Donald L. Wood Jr.
Mr. Woodson T. Wood
Mr. Ronald B. Wright
Ms. Nancy Barrickman Yelton
Mr. Joseph J. Zaluski

Please be assured that every effort was made to ensure the accuracy of this list. If you find errors, please contact the Office of Development at 859-257-1161 or law.adv@uky.edu.

I give to the College of Law...

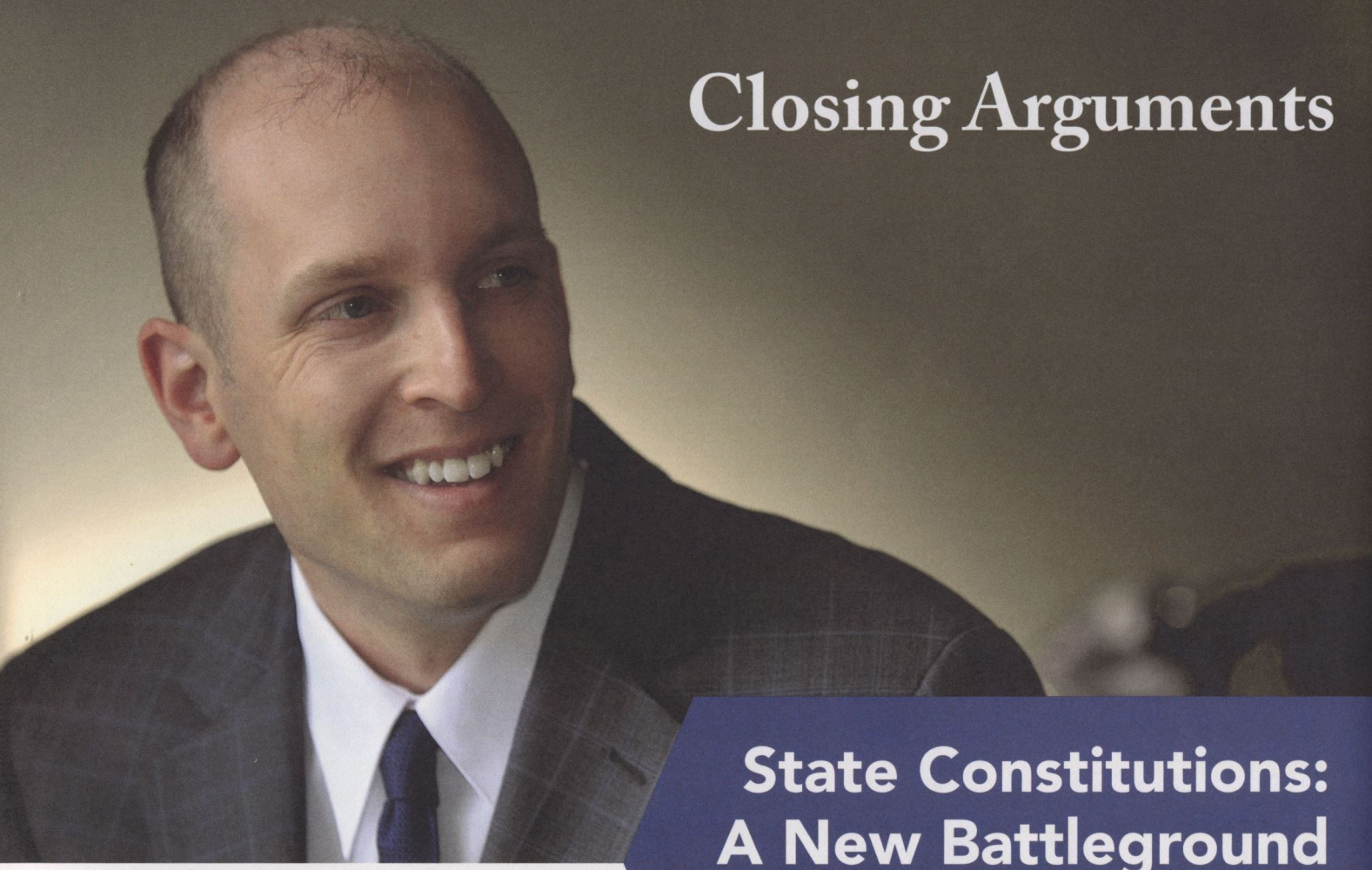
"... because we graduates play important roles in ensuring the continued success of the College of Law. I am proud of our law school, and I'm very excited about its future."

Charles Cassis, 1990

I give to the College of Law...

"... because a legal education hones the mind and opens great areas of thought. It leads to a better life."

Michael Rowady, 1941



Closing Arguments

State Constitutions: A New Battleground in Voting Rights

By Joshua A. Douglas

An emerging storyline in this year's election season is the increased implementation of voter ID laws around the country. From Wisconsin to Texas to Virginia, state legislatures are enacting new laws requiring voters to show some form of photo identification at the polls. Just as quickly, opponents are filing suit in both state and federal courts to challenge the laws on various grounds. While none of this is particularly novel, the added twist is the prominence of state constitutions in these disputes. In fact, given the current U.S. Supreme Court's narrow interpretation of voting protections, state constitutional recognition of the right to vote may have a tremendous impact in limiting some states from requiring voters to show identification this Election Day.

Predictably, many of these laws are subject to legal challenges soon after legislatures enact them. In 2006, the U.S. Supreme Court held in Crawford v. Marion County Election Board that Indiana's voter ID law — which was among the most stringent in the country at the time — passed constitutional muster as a general matter, and that it was unlawful only if there was actual evidence that the requirement deprived certain people from voting. Unless there is stark evidence of disparities, then, photo identification laws are valid under the U.S. Constitution.

But that still leaves open the potential that the laws violate federal statutory law or state constitutional provisions. Wisconsin recently passed a new voter ID law that would have been the strictest in the country, requiring voters to show a particular form of ID either at the polls or to election officials by the Friday after the election. Various groups filed suit alleging that the new law violates the federal Voting Rights Act or state constitutional grants of the right to vote.

Based on the standard, these plaintiffs have an uphill battle in proving a violation of the Voting Rights Act. This is where state constitutions come into play. Many state constitutions offer greater protection for the right to vote than does the U.S. Constitution. Wisconsin's Constitution, for example, provides, "Every United States citizen age 18 or older who is a resident of an election district in this state is a qualified elector of that district." This is in stark contrast to the U.S. Constitution, which does not enumerate an affirmative right to vote, instead simply placing certain limits on denying the franchise. That is, a right to vote under the federal Constitution is merely implied. Plaintiffs

have invoked the Wisconsin Constitution's more robust protection in state court to challenge the new voter ID law.

This strategy has proven effective. Recently, two separate district courts struck down Wisconsin's law as violating the state constitution. The courts ruled that the Wisconsin Constitution provides an affirmative grant of the right to vote and that the Wisconsin voter ID law is a restriction on that right. Put simply, the Wisconsin Constitution gives the right to vote to "[e]very…citizen," with only a few qualifications, and a law that prohibits those citizens who do not show an ID from voting adds an additional hurdle that the state constitution does not sanction. The voter ID law "impermissibly eliminate[s] the right of suffrage altogether for certain constitutionally qualified electors."

Voter ID challenges are not the only election-related litigation that have recently invoked state constitutional provisions. Those who opposed the 2012 Kentucky redistricting plan successfully argued both to the lower court and the Kentucky Supreme Court that the new map violated the state's constitution. In fact, although there were potentially valid federal constitutional and statutory arguments, the courts focused their inquiry solely on the Kentucky Constitution, and the decisions turned on whether the map satisfied the state constitution's mandates. This proves the newfound importance of state constitutions in election law cases. Given the conservative bent of the current U.S. Supreme Court, federal law may not be robust enough to give necessary scope to an individuals' right to vote. State constitutional grants of voting rights, often overlooked, have become an important new battleground in election law.

The fate of voter ID laws may have a significant impact on the 2012 elections, as they will help to shape the scope of the electorate. Put succinctly, if these laws remain on the books, fewer people will have the ability to vote in November. State constitutions may be the best mechanism to challenge voter ID requirements and ensure that all voters have a say in picking our next leaders.

UK CLE
University of Kentucky
Office of Continuing Legal Education
UK/CLE is a one-stop resource
for the busy Kentucky attorney, providing:
• Comprehensive Practice Publications
• Outstanding Live CLE Courses
• Self-Study CLE Programs
and more!
Serving Kentucky Attorneys Since 1973
859.257.2921 | www.UKCLE.com | www.facebook.com/UKCLE | www.twitter.com/UKCLE

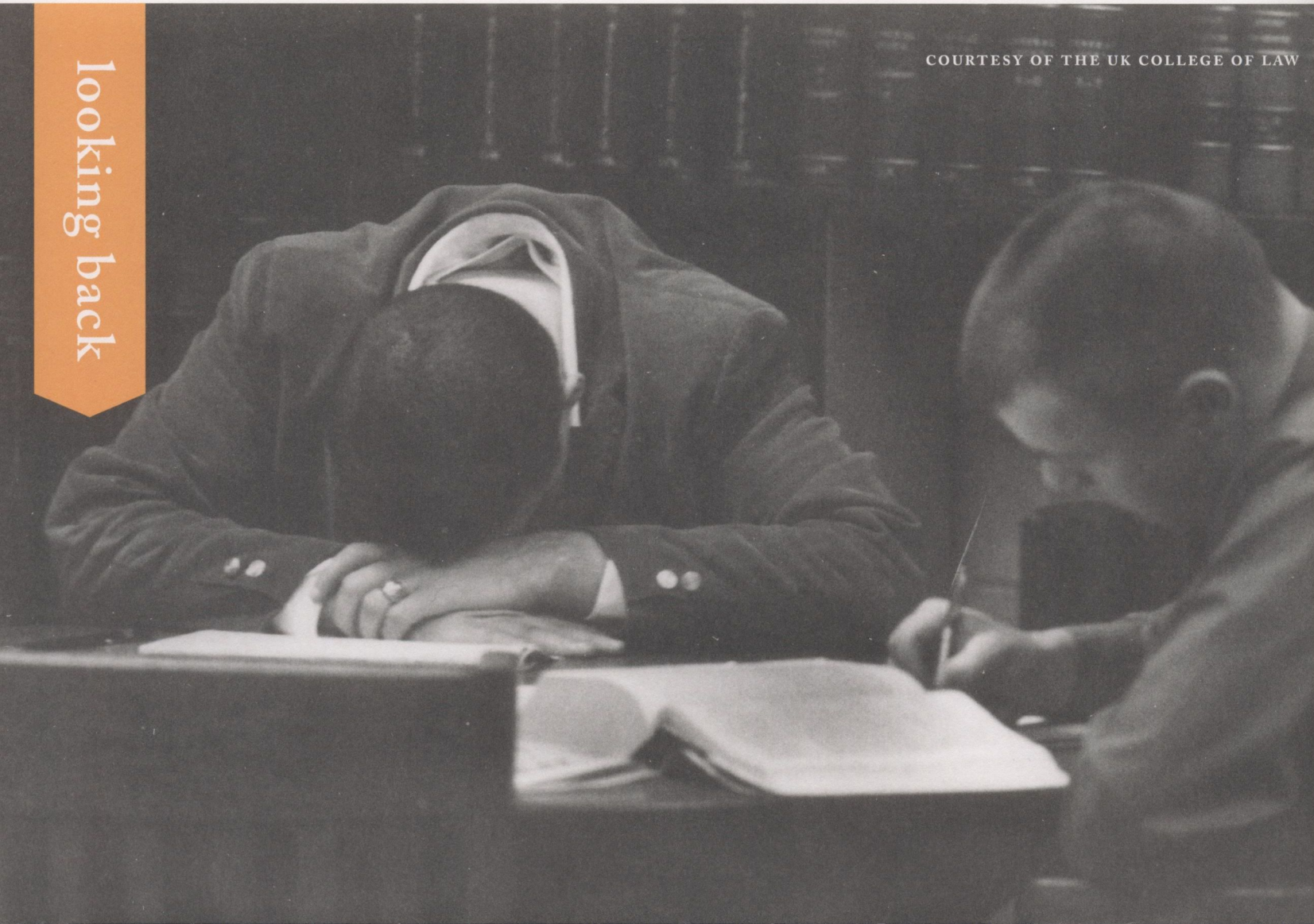
UNIVERSITY OF KENTUCKY
College of Law

Non-Profit Org.
US Postage PAID
Permit 51
Lexington, KY

University of Kentucky College of Law
209 Law Building
Lexington, Kentucky 40506-0048

Visit the UK College of Law
website at www.uky.edu/law

looking back



COURTESY OF THE UK COLLEGE OF LAW